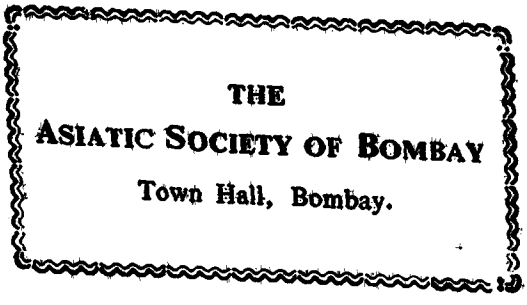
NOT TO BE ISSUED
OUT OF THE LIBRARY.



Digitized with financial assistance from

Government of Maharashtra

on 01 February, 2020

00108580

EAST INDIA (CONSTITUTIONAL REFORMS).

Reforms Enquiry Committee, 1924.

108580

APPENDIX 6 TO THE REPORT.

ORAL EVIDENCE (PART I.).

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.
To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 28, Abingdon Street, London, S.W.1;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
or 120, George Street, Edinburgh;
or through any Bookseller.

1925

PRINTED IN INDIA.

Price 9s. net.

NOTE.

The Report of the Reforms Enquiry Committee and the views of the Local Governments on the working of the Reforms are published separately (Report, Cmd. 2360; Views of the Local Governments, Cmd. 2361 and Cmd. 2362).

TABLE OF CONTENTS.

(VOLUME I.)

	PAGE.
1. Mr. S. M. Chitnavis, I.S.O., *ex*-Minister, Central Provinces	1—53
2. Rao Bahadur N. K. Kelkar, *ex*-Minister, Central Provinces	54—146
3. Messrs. Gokaran Nath Misra and Hirday Nath Kunzru, on behalf of the U. P. Liberal Association, Allahabad	147—214
4. Lala Harkishan Lal, *ex*-Minister, Punjab	215—264
5. Mr. A. N. Surve, M.L.C., Bombay	265—294
6. Mr. C. Y. Chintamani, *ex*-Minister, United Provinces	295—384
7. Mr. R. G. Pradhan, M.L.C., Bombay	385—407
8. Mr. M. Barkat Ali, on behalf of the Punjab Provincial Moslem League ..	408—446
9. Mr. B. S. Kamat, on behalf of the Deccan Sabha, Poona	447—495
10. Mr. Jamnadas Dwarkadas on behalf of the Bombay Branch of the National Home Rule League	496—513

L538HD

REFORMS ENQUIRY COMMITTEE.

Thursday, the 7th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. S. M. Chitnavis, ex-Minister, C. P.

EXAMINED BY THE CHAIRMAN.

Q.—We propose to examine you, Mr. Chitnavis, publicly. I suppose you have no objection ?

A.—No.

Q.—In the first place, I should like to thank you on behalf of the Committee for your memorandum. I propose to ask you a few general questions as to your position, not because this Committee do not know the facts, but because the evidence will be read by the public who may not be aware of your position. Therefore I may just ask you to explain what positions you have held.

A.—I was a Minister.

Q.—In the first place, you were a member of the first reformed Council in the C. P. ?

A.—Yes.

Q.—And you held the office of Minister throughout that Council ?

A.—Yes.

Q.—Can you tell us what subjects you were in charge of ?

A.—Excise, Registration, Agriculture, Veterinary, Co-operative societies, Industries.

Q.—You held charge of the same subjects throughout the three years ?

A.—Yes.

Q.—Before you were a Minister, I think you were a Deputy Commissioner ?

A.—Yes.

Q.—And therefore you had considerable experience of official business ?

A.—Yes.

Q.—And your colleague in the first Council was Rao Bahadur Kelkar ?

A.—Yes.

Q.—Then in the second Council you were again Minister ?

A.—Yes.

Q.—But not Rao Bahadur Kelkar ?

A.—No.

Q.—The second Ministry held office till March 1924 ?

A.—Yes.

Q.—Then both the Ministers resigned on an adverse vote ?

A.—Yes. A vote of 'no confidence' was passed in the month of January and subsequently in March the whole budget was thrown out and the Ministers salaries were voted at Re. 1 a year for each Minister.

Q.—On that general vote you resigned ?

A.—Yes.

Q.—I propose to take you through one or two main points in your memorandum. Have you got a copy of your memorandum ?

A.—Yes.

Q.—I see that in paras. 1 and 2 of the memorandum you take the view that the electorate in the Central Provinces is a small one ?

A.—Yes, it is.

Q.—And also I take it that you consider it to be a somewhat illiterate electorate ?

A.—Yes.

Q.—Speaking generally, you consider it as illiterate ?

A.—Yes, in the rural areas particularly.

Q.—And you mention in the paragraph which follows, that practically the party system did not exist, and that there were no recognised parties ?

A.—Yes, there were no recognised and well-knit parties.

Q.—Can you tell us what voting power you yourself commanded ?

A.—It varied from time to time.

Q.—Had you any definite nucleus of members on whom you could rely on always ?

A.—A few of them were my constant supporters.

Q.—How many ?

A.—About a dozen.

Q.—Then in para. 4 you criticise the fact that there was no Ministry in the proper sense ?

A.—No.

Q.—That is, that there was no corporate responsibility. You say that the Government of India Act does not recognise corporate responsibility ?

A.—The wording of the Act and the Rules gives that impression.

Q.—I put it to you, is there anything in the Government of India Act, in your opinion, which prevents joint responsibility of ministers ?

A.—No, but it does not clearly recognise it.

Q.—May I put it to you that the responsibility of Ministers is rather a convention than a law. I do not think you will find in any Act definite provisions providing for joint responsibility. Is it in your opinion the fact that you cannot expect joint responsibility till you have a party system ?

A.—I think so.

Q.—And therefore the fact that you had not a party system, naturally resulted in your defeat ?

A.—In the present Council there is a party, but it is pledged to wreck dyarchy, and the Ministers had no sufficient backing.

Q.—As a matter of fact your colleague in his note complains that, as regards the excise policy, he was not consulted by you ?

A.—He is not right, I am sorry to say, because the policy was settled at a Cabinet meeting. What happened was, that a resolution was to be moved in the Council. Our practice was to discuss all resolutions at a meeting of the whole Government, three or four days before the Council session commenced, and all the resolutions of that session were accordingly discussed and my colleague was present at the meeting.

Q.—I did not put the question with the object of eliciting the particular circumstances ?

A.—He was present.

Q.—I am putting it to you whether in the Central Provinces there is any rule requiring consultation in a case where two Departments are concerned ?

A.—That was at the discretion of the Governor. He called a meeting of the whole Government whenever he thought it necessary.

Q.—In the Model Rules which were circulated to Local Governments, rule 25 definitely lays down consultation. Was there not such a rule ?

A.—There was. All questions of major importance were discussed at cabinet meetings.

Q.—Is it provided for in the Rules of Business ?

A.—I have not got a copy of the Rules with me, and I have no recollection as to what they contain.

Q.—You say practically the Ministers relied very largely on the official vote ?

A.—In certain cases.

Q.—That was given in favour of your policy ?

A.—It had to be given because the policy was settled by the Government as a whole and each half voted for the other.

Q.—But my point was this that the policy was your policy ?

A.—Yes.

Q.—Then you suggest at the end of paragraph 5 that when a vote is taken on transferred subjects the official members should not vote.

A.—If you want the Ministers to develop a sense of full responsibility to the Council, such a convention would be necessary.

Q.—But as a matter of fact, in the Central Provinces that would have resulted in the defeat of your policy ?

A.—On occasions it might have been so.

Q.—The result would have been that you would not have carried out your policy ?

A.—No. The Ministers might have had to resign.

Q.—Supposing they had gone and a new policy had been substituted, then the new Ministers would have been able to carry their point without the Government vote ?

A.—That I could not tell, until the suggestion was given a trial.

Q.—In fact, during the whole of your time there was no change of ministers in the first reformed council ?

A.—No.

Q.—The next point I would like to take you through is the question of financial restrictions of ministers. I am correct, am I not, in saying as regards the allocation between reserved and transferred subjects in the C. P. there was never any dispute ?

A.—None, so far as I remember, particularly owing to financial stringency.

Q.—There was no conflict ?

A.—No, because there was no money to be had.

Q.—And therefore as regards the allocation for transferred subjects no difficulty arose ?

A.—There was no difficulty to speak of.

Q.—Then you regret the limitations created by the existence of the rule creating the Finance Department ?

A.—We could not do without a Finance Department, but what I say is that it ought not to be necessarily in charge of an Executive Councillor.

Q.—I can see your point on that, but what I am not so clear about is this. You consider the restrictions that are imposed by the rules are unnecessary and superfluous ?

A.—Treasury control is required in every country, but what I urge is that for the development of financial responsibility in Ministers and the Legislature the Finance Department ought not to be necessarily in charge of an Executive Councillor.

Q.—That is not my question. What I wish to put to you is, without any reference to those who exercise control, do the rules as the exist impose greater restrictions than are necessary ?

A.—Yes, in certain respects.

Q.—Would you indicate them ?

A.—In the matter of reappropriation and things like that.

Q.—Have you got a copy of the rules ?

A.—No.

Q.—May I give you a copy of the rules ? One point you take is the restriction on reappropriation. I put it to you that our rules are in fact those of the English Treasury and reappropriation under the Finance Department rules is intended as a protection to the Legislature. Do you consider that unnecessary ?

A.—Some latitude ought to be allowed to the Ministers.

Q.—Can you indicate what kind of relaxation ?

A.—Certain proposals came from the Departments and I could not sanction them, although I considered them necessary and in the interests

of the Department, without going to the Finance Department and they had to be abandoned. This was not altogether satisfactory.

Q.—We all suffer from the Finance Department. I quite agree. But the restrictions on the transferred side are never greater than on the reserved side ?

A.—No.

Q.—They are the same ?

A.—Yes.

Q.—Supposing that you, Mr. Chitnavis, had been in charge of the Finance Department, can you think that you would have generally acted differently to the member who was in charge ?

A.—No.

Q.—Speaking generally not ?

A.—No restrictions.

Q.—Then I take it that your objection to the financial control is mainly that the member of the Executive Council is the head of the department ?

A.—It should not be a reserved subject. A Minister may be appointed occasionally, if not regularly. It would give the Ministers experience.

Q.—The position of the Finance Department is that of an expert adviser. You are bound to follow their advice ?

A.—Yes.

Q.—They do not advise on policy ?

A.—No.

Q.—Nor are you bound to accept their opinion ?

A.—In the Excise Department prohibition was accepted as the goal of the Excise policy as regards country liquor. To achieve this, intensive measures had to be adopted, such as increasing the still-head duty, reduction of the number of shops and so on. The Finance Department objected to the Excise Commissioners' proposals under the former head as they related to 'taxation,' but after discussion with the Honourable Finance Member the objections were withdrawn.

Q.—You would not wish that to be otherwise ?

A.—There was no good in giving the Minister a policy to carry and then to raise objections to his measures on the score of 'loss of revenue.'

Q.—My point was this. If a Minister disagrees with the view of the Finance Department, it is open to him, in consultation with the Governor, on his own responsibility to over-rule it ?

A.—Yes, but the Governor naturally accepts their opinion.

Q.—Supposing the question is a vital one, you can go to the Governor and say "I cannot agree with this. I feel very strongly about it" and then the Governor would probably give way ?

A.—Yes.

Q.—Although it might involve a certain amount of trouble to over-rule the Finance Department, you do it ?

A.—We can do it.

Q.—Then you can hardly say that they are a serious stumbling block on your policy ?

A.—I objected to the manner in which the objections were put forward.

Q.—I understand that was not successful ?

A.—It was not successful because our proposals were sound.

Q.—There is one other point on this financial matter, Mr. Chitnavis, on which I should like to ask a question: On the question of the appointment of the Joint Finance Secretary you say that his position would be unenviable. Why do you think so ?

A.—He would not be liked by the Finance Secretary or the Finance Department. He would likely be looked upon as a spy.

Q.—Surely he would put forward your case from the expert point of view ?

A.—One was not required in the Central Provinces and we did not ask for one. If one had been appointed he could not have served any useful purpose.

Q.—On the whole, the Finance Department was not unreasonable ?

A.—No.

Q.—He would be your financial adviser. The rules contemplate the appointment of a Joint Finance Secretary and I think you ought to be consulted as to the person to be appointed ?

A.—Yes.

Q.—In view of what we have had so far, would you like to modify in any way this statement of yours in paragraph 9 ?

A.—What is it about ?

Q.—You say on page 5 of the printed memorandum, paragraph 9, " The Finance Department possesses the constitutional power of conducting itself in such a way as to keep the transferred departments on reduced rations ? "

A.—It has got the constitutional power of doing it if it wants to do it. It was not done. As the constitution stands they have got the power.

Q.—On the occasions on which they obstructed you, you were able to over-rule them ?

A.—I could get what I wanted by friendly discussion.

Q.—By reduced rations, you mean that there was no money or do you mean anything more than that ?

A.—More money can be appropriated if so desired towards the reserved departments than towards the transferred departments.

Q.—We had it from you that on the question of allocation between the two sides there was never any difficulty ?

A.—There was none. As I have said there was financial stringency. But difficulties might arise and these should be provided against.

Q.—No difficulty has actually been experienced in the working ?

A.—Not in the Central Provinces. Owing to want of money very few new improvements could be made.

Q.—That of course was not the fault of the Finance Department ?

A.—I have not complained. I got on well with the Finance Department on the whole.

Q.—Then again you say " The virtual conversion by rules of the Finance Department into a Reserved Department is wrong in principle and its drawbacks can be emphasised actually in practical administration." I think your evidence goes to show that that was not so actually in the Central Provinces ?

A.—Not in my province. I have only referred to contingencies.

Q.—Then coming to paragraph 10 about restrictions of higher authorities firstly as to legislation and secondly as to finance. I would leave the question of legislation to other members. As to finance, do you find that this rule which requires the sanction of the Governor General in Council to borrowing of money or taxation beyond Schedule II an unreasonable rule ?

A.—About borrowing money I do not think it is an unreasonable rule About taxation it may be sometimes.

Q.—Would you refer to Schedule II and suggest any alterations ?

A.—I have no alterations to suggest.

Q.—You comment on the fact that the administration of transferred subjects must be exercised in accordance with the provisions of the all-India Codes. What codes have you in mind, Mr. Chitnavis ?

A.—I have mentioned these. We have got the Civil Account Code and Fundamental Rules and there are other codes, for instance, the P. W. D. Code and other codes according to which the administration has to be carried on.

Q.—Do you consider they are unduly restrictive.?

A.—I have mentioned this matter in support of introduction of responsibility in the Central Government.

Q.—Then Rule 49 is referred to, that is the control of the Government of India over transferred subjects. The rule as it stands allows the exercise of powers of superintendence, direction and control for three purposes :—

(1) to safeguard the administration of Central subjects,

(2) to decide questions arising between two provinces in cases where the provinces concerned fail to arrive at an agreement, and

(3) to safeguard the due exercise and performance of any powers and duties possessed by or imposed on the Governor General in Council, for the purposes of the following provisions of the Act, section 29A, section 30 (1*a*) or any rules made by or with the sanction of the Secretary of State in Council.

Do you regard that as too broad a restriction on powers in regard to transferred subjects ? Is it of importance in connection with provincial autonomy ?

A.—There does not seem to be any objection to that.

Q.—That, in your opinion, is the limit of the Central Government's control ?

A.—Yes.

Q.—Then you come to the conclusion that on account of the constitution of the Government, defects in rules and the large number of non-votable items the present condition of affairs stands in the way of enabling Ministers to rise to the full height of their stature and prevents them from giving effect to the wishes of the people in the Legislative Council. We dealt with the defects in the rules and we dealt also with the constitution of the Government, and the one point on which we have not had any observations is that there are a large number of non-votable items which you consider should be votable ?

A.—It is only as regards the services mostly ; because they are non-votable, they are a constant source of friction and discontent.

Q.—You would like all the services to be votable ?

A.—I think so, with certain safeguards in the interests of the services.

Q.—If you were a Deputy Commissioner, would you like your pay to be votable ?

A.—There ought to be certain safeguards and the interests of the services ought to be protected.

Q.—Passing on then to the next point, I see you say that dyarchy has given some training ?

A.—Yes, it has given us some training.

Q.—Not only to the Ministers but also to the Legislative Council ?

A.—The Legislative Council too has received some training and at the same time it has brought to notice defects and disadvantages of the system.

Q.—In the first part of your Memorandum I think you lay down the proposition, subject to correction, that a narrow electorate cannot be entrusted with further powers ?

A.—That I say is the argument urged in favour of dyarchy.

Q.—But you repeat that argument ?

A.—The electorate is now capable of knowing its interests to a greater extent than before. If the representatives returned by the electorate are of the necessary calibre and capable of running the work that is entrusted to them and of protecting and furthering the interests of the masses, I think that ought to suffice.

Q.—My point is whether in your opinion the representatives who have been trained in the Legislative Council are in fact in a position to discharge their duties properly ?

A.—On account of Non-co-operation certain members who came in were not capable, but there were others who understood their business.

Q.—I will leave it to one of my colleagues to question you further on that point. You come to the conclusion, apart from your general recommendations, that minor amendments in the Act which are possible should be made; for instance, the excessive powers conceded under the rules to the Governor can be curtailed. What excessive powers are there which you want curtailed ?

A.—The Minister is his adviser. The Governor may order a Minister to do a thing or not to do a thing and dismiss him. The Governor was made more absolute in the administration of transferred subjects than in reserved subjects. The settlement of policy for the transferred subjects does not really rest with the Minister. The responsibility of the Minister for policy is greatly diluted.

Q.—But the position as regards the Ministers under dyarchy is exactly what it would be under your scheme ?

A.—The Act lays down that in relation to transferred subjects the Governor should be guided by the advice of the Ministers.

Q.—I do not quite follow the argument that your object could be achieved by simple amendments. Then you say it is possible to increase the number of transferred subjects. What subjects would you propose to transfer ?

A.—Land Revenue, Law and Justice, and all the others.

Q.—Land Revenue and Law and Justice ?

A.—Yes.

Q.—You think Law and Order could be transferred ?

A.—I think it could be. Some mistakes might be committed, but as has been said the best school for responsibility is responsibility itself. We all want that there should be peace and tranquillity in the country and I do not think Ministers would be found wanting in maintaining these.

Q.—The next recommendation you make is that the recommendation of the Joint Committee of Parliament concerning joint deliberations between the reserved and transferred halves of Government should be made statutory ?

A.—Yes.

Q.—As a matter of fact in the Central Provinces do you think there will be no difficulty about it ?

A.—None. At present Ministers are consulted as regards matters concerning reserved subjects wherever the Governor wishes to have their advice, but as their views do not count much they do not feel proper interest in the matter.

Q.—Is not that the same position as regards the reserved side ?

A.—Yes, but their position is much better.

Q.—They cannot vote on the transferred subjects. And then you further recommend that most, if not all, of the powers of superintendence, direction and control should be delegated. But as regards the transferred subjects, you agree that the existing rule is satisfactory.

A.—The Secretary of State's powers should be delegated to the Government of India.

Q.—As regards the transferred subjects, you agree that Rule 49 goes as far as it can go ?

A.—So far as the Government of India's supervision is concerned.

Q.—The same rule applies to the Secretary of State, see the rule under section 19A of the Act. The position is the same as regards the Secretary of State.

A.—So it seems to be.

Q.—And you agree that is as far as you can expect to go ?

A.—Yes.

Q.—And if you transferred more subjects, you would also reduce the superintendence, direction and control, as they would fall under the same rule ?

A.—There should be more freedom given to the Ministers in the exercise of the responsibility placed on them.

Q.—In what way ?

A.—There should be less restrictions on their actions. The Legislature should be made to realize its responsibility. At present the belief is that the Government is responsible for whatever may befall having the power to act independently.

Q.—My point is this. You yourself admit that the power of interference in Rule 49 should be there ?

A.—I mean the Governor's power.

Q.—Please see Rule 49 and the rule under section 19A ?

A.—The Governor General has got those powers.

Q.—The Secretary of State has got the same powers under section 19A. Do you admit that the principle laid down in Rule 49 is a good principle ?

A.—I have no objection to raise against that.

Q.—Then there is the rule under 19A in the first page of this Blue Book. Do you think that those two rules are satisfactory as regards the transferred subjects ?

A.—That all depends on the rules made. He has got powers to make rules and regulate and restrict his own powers.

Q.—Those rules are known to you ?

A.—Yes.

Q.—Are they satisfactory ?

A.—I do not think the power of re-entry as regards the subjects is very satisfactory.

Q.—That is the power in the Act itself. You think there should be no power of re-transfer ?

A.—I think not.

Q.—What then is the position in your own province ? How are things to be carried on ?

A.—Things are being carried on at present ; a chance may be given to the electorate to correct its representatives if it so desires.

Q.—You therefore suggest that the Act should be amended taking away the power of re-transfer ?

A.—Yes, and putting the responsibility upon the electorate.

Q.—Would that not lead to a difficult position if you refuse to take office ?

A.—What the Swaraj party desires is end of dyarchy, and that is what it is working for. If dyarchy is ended, they might take office. I must say I do not agree with its methods.

Q.—You see no danger, no serious trouble to the administration ?

A.—I cannot see any danger. The Government can be carried on as it is being done at present.

Q.—But surely it is not to be carried on on that basis ?

A.—Then you ought to appeal to the electorate and let the electorate exercise its choice.

Maharaja of Burdwan.—You say you want some relaxation of the control of the Governor over the Ministers. Will you kindly cite to me the difference between the control of the Governor over a Minister and that over an Executive Councillor ?

A.—As I have already said the Governor was made more absolute in the administration of transferred subjects than in reserved subjects.

Q.—But he is also not bound to take the advice of the Executive Councillor ?

A.—I would refer to section 50 (1) of the Government of India Act.

Q.—In that case would it not meet your case more if instead of the Governor's control being relaxed the Ministers had certain privileges now enjoyed by a Member of Council with regard to notes which they do not possess at present ?

A.—I do not think that will satisfy the people at all.

Q.—Now take a case of the reserved side. The Executive Councillors record their notes of dissent and then the whole case goes up to the Government of India. Your contention is that in the case of Ministers the Governor decides the case and the Ministers have no further say in the matter. Their case must rest with the Governor. Am I correct in this ?

A.—Yes.

Q.—Supposing it were possible for the Ministers on the transferred side also to go up to the Government of India like the Executive Councillors on the reserved side, would your difficulties or your views that the Minister is more controlled by the Governor disappear or not ?

A.—I think not.

Q.—Another point that I wish to put to you is this. You said in answer to a question put by the Chairman that there was a need of new policy, without the Government control, in your province during the three years that you were a Minister. That is to say, you had very often to rely upon the official vote, because that was the policy settled by Government.

A.—On certain occasions we had to rely on official vote.

Q.—But is it not the case that the Governor ordinarily does not call a joint meeting with regard to a transferred subject unless it be the express wish of the Minister concerned along with the Governor to bring that matter to a joint meeting ?

A.—That did occur only on certain occasions. We used to have a joint meeting of the Government and in this meeting before each Council session the attitude to be adopted by Government with regard to the resolutions and motions was decided upon.

Q.—What I meant was this. There are two procedures. One is that before a Legislative Council session begins all the important resolutions are tabulated and the policy of the Government whichever side it may be—reserved or transferred—is decided upon ; and that is the policy that is to be pursued in reply to a resolution in the Legislative Council. The other procedure that I have in my mind is this. Supposing the Department concerned, say the Ministry of Public Health, has a particular subject on which the Minister of Public Health desires a particular policy to be enunciated, then the Governor in consultation with the Minister naturally first of all calls a meeting of that half of Government.

A.—Such a thing did not happen in our province.

Q.—Ordinarily if the Minister and the Governor were agreed about a subject, there was no need for a joint meeting. But if there was any difference of opinion among your colleagues on the transferred side, then the matter was very often referred to the joint meeting.

A.—Yes, the matter was then referred to the whole Government.

Q.—Now, supposing that the matter had not been referred to the whole Government and was settled, as in the case of a reserved subjects, by the meeting of the Executive Council, do you think that your policies as Ministers would have been far better if the Governor often held meetings with your half of Government jointly ?

A.—It might have been in a few cases.

Q.—That being so, don't you think that the new policy which you mentioned to the Chairman would have been better by which more new policies could be launched even if that procedure necessitated the Ministers going out ? Was not that more due to the fact of the Ministers desiring to hang on rather than the policy itself ?

A.—There was no desire on my part to hang on. The Ministers must, in my opinion, try and secure the support of a majority of the members of the Legislative Council, rather than depend upon the official bloc.

Q.—My experience, so far as the Bengal Legislative Council is concerned, has been that very often it has been necessary for the Minister—I won't go to the question why it has been necessary—to carry out his policy with the help of the official vote ?

A.—We had also on some occasions to do the same.

Q.—I think you mentioned to the Chairman that you had to have the official vote.

A.—We had it as a matter of course. They voted with us and we voted with them, although we may have held different views.

Q.—In other Legislative Councils it very often happens that the Ministers first of all mention to the Governor whether they need the official vote or not. If they need the official vote, the official bloc is at their disposal. What I want to know is whether in your Legislative Council it was the invariable practice to have the official vote ?

A.—It was the invariable practice that they voted with us.

Q.—Was it not a practice that you allowed to grow ? There would have been no necessity for this practice to grow if you were certain of your policy. If you were strong in your policy there would have been no need to have the official bloc to support you. What I am driving at is this that during the three years of your Ministry you had recourse to the official vote because that was a sort of custom ?

A.—Quite so.

Q.—Supposing it was not the custom because the rules do allow a certain amount of elasticity and supposing the official body was allowed to be reserved or there was a free vote given in Council both to officials and non-officials, do you think that the policy that you launched for three years would have succeeded or that there would have been an occasion for you to go out ?

A.—There may have been an occasion for us to go out.

Q.—Therefore it follows that your policy, whatever it was, was not strong enough to stand without the official vote ?

A.—The composition of the Council was such that Ministers could not always rely upon non-official support.

Q.—What I want to say is that without the official vote the Legislative Council would not have accepted the policy that you Ministers launched in the Central Provinces during the last three years ?

A.—Yes, in some cases.

Q.—The second point that I want to put is this. I know it is very unsatisfactory for a Minister to be called to attend a joint meeting and be called an adviser whether his advice is taken or not and yet he has got no responsibility before the Legislative Council. In your Legislative Council did ever an occasion arise when in a matter relating to the reserved side your Governor permitted you to reserve your vote ?

A.—None.

Q.—You were invariably told to vote ?

A.—Yes.

Q.—I believe there is a rule by which you can reserve your vote ?

A.—Yes.

Q.—Now, as regards the question of the enlargement of the powers of Ministers. I should like to know whether a case has ever occurred in your Council, in your Cabinet so to speak, when at a joint meeting a transferred subject came up and when—supposing it was a subject relating to your department of Industries—your colleague and your colleagues on the reserved side voted against you, and in consequence your policy had to be modified ?

A.—We had no such occasion ; at least I had no such occasion.

Q.—If that be the case, is there really very great difficulty or reason for grousing that Ministers are called into consultation relating to the reserved departments and then they cannot vote ?

A.—There are occasions for a grouse.

Q.—Supposing there was a matter in your department with which the Governor did not agree. Would you ordinarily allow that to go to a joint meeting ? Supposing the Minister and the Governor were not of the same opinion about a policy launched by the Minister, what would be the course followed by your Governor ?

A.—He would call in a meeting of the whole Government and take their advice.

Q.—Now supposing in a joint meeting he found that there were four against one or one against four, what will the Governor do ?

A.—In that case my colleague would side with the Governor.

Q.—Have you had any instance of that kind ?

A.—No.

Q.—Supposing you had an instance of that kind, the natural result will be that the Minister would resign ?

A.—Yes, he ought to resign if he has got any self-respect.

Q.—But so far in the working of your province you have had no occasion on which the particular Minister's policy or Bill, whatever it may be, that was brought forward at a joint meeting was, so to speak, thrown out by the Legislative Council ?

A.—No.

Sir Muhammad Shafi.—Are you speaking of the period when you were Minister or are speaking of the new period ?

A.—I am speaking of the period when I was a Minister. There were only I believe three Bills that were introduced during that time.

Q.—As regards reappropriation, could you tell me whether you experienced any real difficulties for the following reasons ? Supposing under the head "Medical" you had, say, a lakh of rupees which had been voted and passed in your original budget. Now, to transfer, say, Rs. 5,000 for a dispensary at Nagpur or a charitable dispensary at Amraoti or at some other place you have to go up to the Legislative Council for a supplementary grant ?

A.—I do not think you have to go up for that.

Q.—You do. The reappropriation very often does happen like that. That is to say you very often have to reappropriate from one major head to a minor head and *vice versa*. Supposing there is a grant of Rs. 5,000 for a dispensary at A. Instead of giving it to the dispensary at A, can you give it to a dispensary at B ?

A.—I think that can be done under the rules.

Q.—If that be so, then what is the difficulty that you feel about reappropriation ? Could you give me an instance ?

A.—I cannot quote an instance from memory.

Q.—I know that the Finance Department is a very troublesome department but nevertheless what I want to know is whether you have had an occasion in which the Finance Department objected to a case like that I just mentioned for transferring the sum of Rs. 5,000 from one dispensary to another ?

A.—None.

Q.—What is the kind of reappropriation that you have in mind ?

A.—There are certain reappropriations for which the Finance Department has to be consulted. If in the Agriculture Department you have money provided for starting a demonstration farm and you want to purchase motor-tractors instead you must consult the Finance Department.

Q.—Supposing you wanted motor tractors, would you not have to go to the Legislative Council ?

A.—I am not sure that I would have to.

Q.—I do not say about your being sure, but I ask you under the rules.

A.—I cannot give an answer offhand.

Q.—What I meant to say was under the rules, for instance, if you wanted to reappropriate a sum of money for a farm, say, for motor tractors, could you not have to go to the Legislative Council for that ?

A.—Yes, I might have to go to the Legislative Council.

Q.—As a supplementary grant ?

A.—Probably.

Q.—Do you not find that it is very often an impediment to go ahead in your department ?

A.—You can call in a meeting of the Standing Committee and place the matter before it. If the members agree you can go on with it.

Q.—Can you give me an instance where the members of the Standing Committee agreed and the Finance Department turned it down ?

A.—There were such cases, but I cannot give particulars.

Q.—I do not want to go into the question of other transferred subjects. I think in your province the system of malguzar is prevalent ?

A.—Yes.

Q.—You do not have any actual permanent settlement ?

A.—We have periodical settlements.

Q.—From that point of view you would not have any great sentimental objection, apart from any real objection on the part of the malguzar, to land revenue being made a transferred subject ?

A.—The principles upon which a land-revenue settlement will be made are now to be embodied in an Act. Then you have got your Revenue Codes and circular orders and instructions. I do not apprehend any objection on the part of the malguzars. Our Tenancy Act adequately safeguards the rights of tenants.

Q.—Would your minister be more certain of an equilibrium under a Tenancy Act of the Legislature than it would be in the case of it being a reserved part ?

A.—I can see no difficulty. The rights of tenants are safeguarded and they have got certain privileges which malguzars cannot interfere with.

Sir Henry Moncrieff Smith.—I want to ask you one or two questions about paragraph 10, that portion of it which deals with legislative business and restrictions of higher authorities. In your summary in paragraph 18 you suggest that the Ministers be relieved of a great many of the existing legislative restrictions, and in paragraph 10 you enumerate a lot of restrictions, but you do not suggest which of those should be removed ?

A.—I had no difficulty in this matter. No Bills were introduced by me.

Q.—You have told us just now that there were only 3 or 4 Bills on the transferred side ?

A.—Yes.

Q.—I understand that any Bills that were introduced were not introduced on your side of the Government ?

A.—Introduced by my colleague.

Q.—Can you tell us whether you initiated any legislative proposals which had to be dropped ?

A.—Not in my departments. They were dropped during the last session when the Swaraj bloc in the Legislative Council would not accept any proposals of the Ministers.

Q.—Your difficulties, so far as your experience goes, are theoretical rather than practical ?

A.—Yes, to a limited extent.

Q.—Among the restrictions which you recite in paragraph 10, starting at the opposite end you mention the veto of the Crown in England. You say, " Legislative proposals of Ministers even though they may have passed through all prescribed stages in India are liable to be vetoed by the Crown in England." Is that a restriction which you suggest should be removed ?

A.—I think so. Acts passed by a Legislative Council and consented to by the Local Government ought not to be vetoed by the Secretary of State.

Q.—Assuming you could get removed the veto of the Crown, then you would advocate that should be removed, and still more I take it you would remove the powers of veto which are vested in the Governor and the Governor General in regard to provincial legislation ?

A.—That is what my colleague found.

Q.—You want them to be entirely removed without any restrictions ?

A.—Yes.

Q.—In your paragraph on these restrictions I take it that you are complaining about statutory restrictions only ?

A.—Yes, that is all.

Q.—Such restrictions as are imposed by the Acts and by rules under them ?

A.—Yes.

Q.—You have no complaint so far as the Government of India is concerned of restrictions imposed by executive orders ?

A.—Which do you refer to ?

Q.—You know there is a set of instructions issued to Local Governments regarding legislation. Have you any complaints about restrictions included in those rules ?

A.—Rules of executive business ?

Q.—No. They are not rules of executive business. They are executive instructions to Local Governments regarding proposals for legislation in provincial Councils.

A.—You are referring to Rules of Legislative business ?

Q.—I do not think you will find them there. But probably as a Minister you may have some experience of their working ?

A.—Not personally.

Q.—You have no complaint of any obstruction or difficulties ?

A.—Personally I had no occasion to complain.

Q.—By reason of executive instructions from the Government of India ?

A.—There was no occasion.

Q.—Confining yourself to statutory restrictions, you realise, I presume, that they are not all inherent in dyarchy, they are not due to dyarchy ?

A.—No.

Q.—Many of them are inherent from the old Government of India Act. Some of these restrictions have been as old as the Councils in India themselves, much older than the Legislature in the C. P. ?

A.—They place dyarchy at a great disadvantage. That is why I propose that they should be relaxed.

Q.—You cite some of these difficulties in paragraph 10. You talk about legislative measures regarding " public health, sanitation, agriculture or Veterinary departments all of which are transferred subjects, the Ministers want to deal with Infectious diseases, or animal diseases, or destructive insects and pests and plant diseases." I want to invite your atention to the following words—" they cannot take action which

is not in accordance with principles settled in Acts of Indian Legislature.'' Can you tell us where you get that from, because it is rather new to me ?

A.—I think it is in the Schedule I of the Devolution Rules.

Q.—'' Subject to legislation by the Indian Legislature.'' I knew that that was in your mind. It seems to me that you have rather misinterpreted those words. Can you tell us what you regard as the effect of those words ?

A.—I am afraid I cannot.

Q.—Here in the Government of India we never interpret it in the way you interpret it. May I suggest to you what really those words mean ? If you look at section 80A (3) of the Government of India Act you will find that the only restriction on Ministers legislating in the Provinces in regard to infectious diseases, animal diseases, insects and pests and so on, is that before the Bill is introduced the particular provision dealing with insects, pests, etc., has to receive the sanction of the Governor General. That is the whole effect of it and there is no more to it than that. Then you are going too far, I think you will admit, when you say that you cannot take action which is not in accordance with principles settled in Acts of the Indian Legislature. Of course, I put it to you that that is not the case. I am trying to clear this up because your memorandum is rather misleading. Then you say, '' It is the function of Ministers to prevent adulteration of food stuffs, but they can take no measures which may affect the Import or Export trade of India, a subject exclusively under the control of the Central Government.'' That, again, I put it to you is a misrepresentation of the legal position. They can take legislative action, I think you will agree ?

A.—Yes.

Q.—But only this that they have to get the previous sanction of the Governor General. The export and import trade of India is not a subject exclusively under the control of the Central Government. I hope you understand that ?

A.—Yes.

Q.—'' Exclusively '' there is very misleading because the Government of India Act itself specifically enables the Central Legislature and the Ministers to introduce legislation dealing with that subject. The same thing with regard to standards of weight about which you say, '' their action must be governed by the Act of the Indian Legislature.'' There also the position is the same, merely getting the Governor General's previous sanction.

(*Mr. Jinnah*).—*Q.*—I want to know what your opinion is on that point.

Sir Henry Moncrieff Smith.—I am putting to the witness whether he agreed on these points.

A.—I do not know. I must consider the point before I agree.

Q.—Why mention it is because this is not the view which has ever been taken by the Government of India, but as it appears in the memorandum it may mislead. I asked Mr. Chitnavis whether he has ever

considered the effect of those words in the Schedule, "subject to legislation by the Indian Legislature." Can you point to any rule or enactment which explains the effect of those words ?

A.—No. I have taken it from this Schedule.

(*Mr. Chairman*).—*Q.*—What the Committee would like to know is if you accept the view of those words which Sir Henry Moncrieff Smith has put ?

A.—I must reserve my opinion.

Q.—May I read the portion of section 80A (3), "The Local legislature of any province may not, without the previous sanction of the Governor General, make or take into consideration any law regulating any provincial subject which has been declared by rules under this Act to be either in whole or in part, subject to legislation by the Indian legislature." That is where the words come in again—

(*Mr. M. A. Jinnah*).—I am anxious to know what is the authority by which the witness supports his statement. That is rather important. The witness says, "It is the function ....." but they can take no measures which may affect the import or export trade of India subject exclusively under the control of the Central Government.

A.—That is a central subject.

Q.—Do you mean to suggest that the Local Legislatures have no power to legislate ?

A.—That is how I understand it. You cannot take any action in regard to Central subjects without the sanction of the Government of India.

Q.—Your statement in your memorandum is absolute that you cannot take any action at all.

A.—That will have to be qualified. What I meant to say is that the sanction of the Governor General is necessary.

Q.—You say that you had no experience and that you have not been hampered by this requirement personally. Have you any knowledge of any Bills on the transferred side in the Central Provinces during your time of office that were hampered by this requirement of previous sanction ?

A.—The Universities Bill and certain portions of the Municipal Act had to be referred to the Government of India.

Q.—Requirement of reference does not mean that legislation is hampered ?

A.—It was hampered in this way. It caused delay and there was a good deal of discontent in the Legislative Council.

(*Mr. Chairman*).—*Q.*—That was not your subject ?

A.—No.

Q.—You said that Rule 49 which defines the extent of the control of the Government of India over tranferred subjects is reasonable ?

A.—Yes.

Sir Sivaswami Aiyer.—I just want to refer to one point you made in reply to the Chairman. Between paragraph 1 of your memorandum and paragraph 15 there is an apparent inconsistency. Paragraph 1 reads as if you were for the continuance of dyarchy ?

A.—I have merely given the arguments that are advanced in favour of dyarchy. That is not my view.

Q.—You are not in favour of the continuance of dyarchy ?

A.—No.

Q.—You refer in paragraph 1 to the likelihood of a conflict of interests between the enfranchised classes and the unenfranchised masses ?

A.—That is also one of the arguments put forward in favour of dyarchy.

Q.—In your experience taking the field of legislation, has there been any conflict of interest between the enfranchised classes and the unenfranchised masses ?

A.—None.

Q.—Has there been any preference of communal or sectional interests in the field of legislation ?

A.—None.

Q.—References were made to this question of corporate responsibility of the Ministers and you admitted there was nothing in the Act to prevent the enforcement of such corporate responsibility ?

A.—No. But it can be variously interpreted.

Q.—If the Governor had chosen, corporate responsibility could have been enforced ?

A.—Yes.

Q.—If it had been enforced, it would have tended to the formation of a party ? Would it not ?

A.—Yes.

Q.—Is there any insuperable difficulty in the way of recognition of joint responsibility ?

A.—I do not think so.

Q.—It is said that there is a scantiness of material from which you could choose Ministers if one set of Ministers resign. Is that so ?

A.—It was so in the old Council but now you have got better men. You are likely to get better men in the future, and I do not think there will be any difficulty now provided the Swaraj party choose to take office. Owing to non-co-operation, we had in the last Council a certain number of members who were not qualified. Now that difficulty has disappeared and we have got men with sufficient education.

Q.—At any rate in your opinion there is no insuperable difficulty in the way of enforcement of corporate responsibility ?

A.—I do not think so.

Q.—You said there could be no parties without full-responsible government. Would you kindly explain ? At present you have responsibility in one half of the Government ?

A.—It is so. In the absence of responsibility members are liable to vote irresponsibly. The consciousness that they are not responsible for their decision, that it would not seriously matter which way the votes are cast, evidently influences some of the members.

Q.—When you said there could be no parties without full responsibility, were you referring to responsibility on the transferred side or responsibility in the entire business of Government ?

A.—Entire business.

Q.—Supposing there was full responsibility in the transferred half and that there was no responsibility in the reserved half, do you think that it will be an impossible position ?

A.—It will be difficult. There is constant conflict between the Government on the reserved half and the people.

Q.—Can you give us any instances of such conflict in your experience ?

A.—There have been several in our Council and several Resolutions were moved.

Q.—When you are speaking of Resolutions which were carried, I should like to know whether they were Resolution which commanded your approval or were merely carried over your heads in the Local Legislative Council ?

A.—You mean in the reserved half or the transferred half ?

Q.—Transferred half.

A.—In the transferred half, the Resolutions which were carried were generally accepted, excepting such as related to abolition of certain posts and the like.

Q.—In the transferred half, do you suggest that Resolutions should be binding on the Government ?

A.—To a great extent they are.

Q.—In your experience were the Resolutions of the Legislative Council always practicable ?

A.—Not always.

Q.—Do you know whether Resolutions passed in the House of Commons are obligatory on Parliament ?

A.—I do not know.

Q.—You said there was a difference in the relations between the Governor and the Councillors on the one hand and Government and the Ministers on the other hand. You said that the Governor was not bound to accept the advice of the Ministers. With regard to the Councillors also, is the position not the same practically ?

A.—It may be the same but there is no harm done to them. We are supposed to be responsible to the legislature and we cannot justify our position there if our advice is not accepted and we cannot carry our point. It makes our position difficult.

Q.—I would now draw your attention to two sections : section 52 (3) :—" In relation to transferred subjects the Governor shall be guided by the advice of his Ministers unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice ". Then refer to another section 50 (2) :—" Provided that whenever any measure is proposed before a Governor in Council whereby the safety, tranquillity or interests of his province or of any part thereof, are or may be, in the judgment of the Governor essentially affected and he is of opinion either that the measure proposed ought to be adopted and carried into execution or that it ought to be suspended or rejected and the majority present at a meeting of the Council dissent from that opinion the Governor may on his own authority and responsibility, by order in writing, adopt, suspend or reject the measure in whole or in part." Then there is another section about written communications and so on. Apart from such difference as may be inferred from the specific language of section 50 (2) and section 52 (3), is it not a fact that the Governor can over-ride both Ministers and Councillors ?

A.—He can do that.

Q.—Would you prefer to have the power of the Governor with regard to the Ministers couched in the same language ? Would that suit you ? Would you like the relations between the Governor and the Ministers to be governed by a similar provision ? As a matter of fact have there been occasions when the Governor has over-ridden the Ministers ?

A.—He has done it.

(*Mr. Chairman*).—*Q.*—Have you ever been over-ruled ?

A.—Not on my side.

(*Mr. Chairman*).—*Q.*—Nor on the side of your colleague ?

A.—He has quoted some instances. I have not seen the papers. So, I could not tell you.

Q.—Then you said that the Minister did not receive the support of the reserved half ?

A.—They received the support but it is not right for them to depend upon it.

Q.—In paragraph 5 of your memorandum you say " As in order to hold a commanding position in the Legislature the Ministers have to depend on the support of the official bloc ; it is natural for them to appear as suppliants before the Executive Council ". Is that the fact, is it the real position of the Ministers that they have to depend on the support of the official bloc ?

A.—I have quoted some cases in which the official bloc saved us from danger.

Q.—You supported them and they supported you ?

A.—That was the convention.

Q.—If dyarchy is to work, is it not a reasonable arrangement ?

A.—It is so. It is rather humiliating.

Q.—Why did you not reject their assistance and stand on your own legs ?

A.—We had no party to support us and we were not sure as to how the voting would go. When you have a party system, then the Ministers will be in a position really to discard them, and in order to evolve the party system you must have full responsibility.

Q.—Could you first develop the party system and then discard the support of the executive or could you discard the support of the executive first ?

A.—We must of course develop party system first.

Q.—You say a convention should be allowed to grow by which the official bloc of votes should not be used to support the Ministers ?

A.—That will force Ministers to evolve a party of theirs.

Q.—Do you think it a right principle to follow in the present state of things ?

A.—Not in the present state of things.

Q.—Then with regard to the Financial Department's interference, apart from the restrictions imposed by statutory rules, have you found the Financial Department interfering in an unduly irksome manner ?

A.—I did not find them do it. I say there is the possibility of their doing it.

Q.—Is it your actual experience ?

A.—No. If the Finance Member and the Finance Secretary were men of a different temperament, they might have and could have done so.

Q.—In your province the Finance Minister is in charge of other portfolios as well ?

A.—Yes, Revenue, Forests, Irrigation.

Q.—And you believe naturally there will be a bias in favour of those departments ?

A.—Yes, that is human nature.

Q.—Then what is the remedy you would suggest ? There are various solutions. Would you entrust the financial portfolio to a Minister or to a Secretary ?

A.—Have a separate expert in charge who is not a member of the Government.

Q.—Would you have a separate Member for Finance only ? What do you think of that arrangement ? Supposing you had one Executive Councillor in charge of Finance only just as we have here in the Government of India and without any other portfolio, would that satisfy you ?

A.—I think theoretically it would be unsound. Again there will be the same difficulty.

Q.—What is the difficulty again ?

A.—He is responsible of course to the Secretary of State and to Parliament and he would naturally be inclined to favour those subjects and departments which are similarly placed.

Q.—Do you say that there has been any such instance ?

A.—Not in our province. There has been, I think, in other provinces.

Q.—Would you entrust it to a Minister then ?

A.—Similar objection could be raised. A Minister might be tried and so also an Executive Councillor.

Q.—I want to know what solution you would suggest. You object to the financial portfolio being entrusted to a Councillor. There would be similar objection to the financial portfolio being entrusted to a Minister. If neither solution is acceptable, would you abolish the financial portfolio and merely have a Financial Secretary ?

A.—Have a Finance Secretary or some officer in charge of Finance, who would not be responsible either for the reserved or transferred subjects.

Q.—Who will not have equal status with the Members and Ministers ?

A.—An expert authority.

Q.—Will a Finance Secretary common to both departments suit you ?

A.—The Finance Secretary is at present common to both departments.

Q.—Would you prefer that arrangement ?

A.—I should like to give it a trial.

Q.—What would you do about the presentation of the budget ? You see the Budget has to be presented to the Legislative Council by some member of Government. Would you have a unified budget presented by some member of Government or Minister or would you have a divided budget one half presented by a Member and the other half by a Minister ?

A.—I should keep it unified and the Governor could entrust its presentation to any member.

Q.—To any Member or Minister ?

A.—Yes ; it may be left to the Governor's discretion.

Q.—But you said the Governor himself being responsible to the Secretary of State, he would have a bias towards the reserved half. Would your suspicion extend to him ?

A.—I have not found any case like that.

Q.—The remedy of a Joint Financial Secretary is suggested. Is it not ?

A.—It is in the Rules.

Q.—You know there has been a controversy about the question of a separate purse or joint purse between the two departments. Have you any decided opinions upon that question ?

A.—I should keep it a united purse. I do not think a divided purse would be workable.

Q.—You are in favour of a joint purse ?

A.—Yes.

Q.—With regard to the question of responsibility in the Central Government, you say in regard to those matters in which the previous sanction of the Government of India is necessary or the control of the Government of India is necessary, it would be a different thing if such control were exercised by a responsible Minister. Is not that so ?

A.—Yes.

Q.—Are you in a position to say that the control of the Government of India has been exercised in an unsympathetic or unsatisfactory manner ? Could you suggest any particular case or give any instance ?

A.—No, I could not.

Q.—It is only a general observation ?

A.—Yes.

Q.—Then with regard to the addition of transferred subjects, you suggested two or three, Local Revenue, for instance ?

A.—I want the whole of them.

Q.—You gave them as examples. Take for instance Land Revenue. Does the ryotwari system obtain in the Central Provinces ?

A.—In Berar and a few portions of the Central Provinces it does. Excised forest areas have been settled on the ryotwari system.

Q.—As regards the people in the ryotwari area, you know there is a strong sentiment, and very often agitation too, in favour of a permanent settlement ?

A.—Not in the ryotwari but in the Malguzari area.

Q.—Are in favour of such permanent settlement ?

A.—No.

Q.—But supposing a permanent settlement in the ryotwari tracts is inexpedient and supposing also that if it were transferred, the Council were likely to press for a permanent settlement and carry a resolution.

A.—I do not think so. The Council, so far as I have gauged it, is against the malguzari system and for having the ryotwari system. That feeling is growing.

Q.—Have you seen that in the Madras Presidency people are in favour of a permanent settlement ?

A.—What we desire is long term settlement.

Q.—What safeguards would you provide against the danger of a permanent settlement being pressed for and carried through ?

A.—It may be pressed, but there must be certain powers given to the Governor in such matters. He must have power of veto in certain cases.

Q.—Though you transfer the subject of Land Revenue to the Ministers, you would insist on certain safeguards against playing with the revenue ?

A.—Yes.

Q.—Similarly in regard to Law and Order, you said you saw no objection to the transfer of these departments ?

A.—No.

Q.—Supposing the administration of Law and Order suffered, who do you think would be the persons likely to suffer most ?

A.—It will be the people.

Q.—And do you think the people will be indifferent to the administration of Law and Order ?

A.—I do not think so. They would not be indifferent to maladministration.

Q.—Is it likely that communal and class interests will prevail to the extent of bringing about deterioration in the standard of Law and Order ?

A.—I do not think so.

Q.—But it might deteriorate if unsuitable persons were appointed to administer Law and Order. Is it not likely ?

A.—How are you to gauge the suitability or unsuitability of the Minister ?

Q.—It all depends upon patronage ?

A.—The Governor will have to exercise his judgment.

Q.—Then you would not allow the Ministers to exercise patronage. Is that so ?

A.—At present of course we have got selection boards and they select and recommend men for appointment.

Q.—Would you seek a remedy in the appointment of a Public Services Commission ?

A.—Certainly.

Q.—You prefer that ?

A.—Yes. We have now got Selection Boards for every Department and they select the candidates and recommend them. Government is not bound by that selection. They are merely advisory boards, but still there has been a good deal of improvement.

Q.—Is there any or no abuse of patronage ?

A.—A certain amount of patronage is unavoidable.

Q.—You have said that there are no parties. Can you give an explanation as to why there have been no parties ?

A.—We have not got any well-knit parties.

Q.—No strong party ?

A.—None.

Q.—Can you explain why there has been no strong party ?

A.—It is a question of Government versus the people. The struggle is of a people to take away from the British part of the Government those departments which have been kept as its special preserves. The object in view is the same, though methods differ.

Q.—So you think the whole thing is due to the fact that it is all supposed to be a question of fighting the Government ?

A.—Fighting the Government and getting more powers.

Q.—And upon that point all classes and parties are agreed ?

A.—Yes.

Q.—Supposing full responsibility were introduced, do you think that would help the organization of parties ?

A.—I think so.

Sir Arthur Froom.—*Q.*—Mr. Chitnavis, I want to ask you just a few questions. I come to your summary at the end. Is it your idea that your proposals as summarised should be introduced forthwith ?

A.—The main proposals or the last two.

Q.—You have made a summary at the end of your Memorandum.

A.—Yes. Full autonomy and power over the purse are the main demands. Under these Ministers will get more freedom of action.

Q.—Your idea is that those two should be introduced ?

A.—Yes.

Q.—Then you go on to No. 3, namely that the powers of Ministers should be enlarged. Do you mean to apply to them what you said in paragraph 15, that the executive Government should be abolished at an early date ?

A.—Yes.

Q.—And then your province would be governed by Ministers or Ministry with the Governor acting with them.

A.—Yes.

Q.—How would your Ministers be appointed ? Will they be elected by the Council ?

A.—They may be selected out of a panel to be given by the Council. That will probably be more satisfactory.

Q.—Who would elect the panel ?

A.—The Legislative Council will have to suggest a panel and the Governor to select out of it.

(*Sir Muhammad Shafi*).—*Q.*—Does that system obtain in any country ?

A.—I have no knowledge.

Q.—Supposing a resolution against this Ministry were passed, would you expect them to resign in a body ?

A.—Yes, certainly.

Q.—Do you know of any country where the Executive Government resigns when resolutions are carried against it ?

A.—I cannot tell you. I am not a constitutional scholar.

Q.—At any rate you expect your Ministry to resign if a Resolution is carried against in the Council ?

A.—Yes.

Q.—It may be any resolution ?

A.—It must be an important resolution affecting their policy. There may be certain other resolutions which will not necessitate their resignations at all.

Q.—You do not know of any country where a resolution being carried against the Executive Government caused that Executive Government to resign ?

A.—No. I cannot say.

Q.—Supposing the Ministry brings forward some administrative Act which is rejected by the Council, then the Ministry resigns again ?

A.—The Ministry will be required to have a substantial backing. Without a backing and without a party behind them they will not be able to carry on.

Q.—Do you think you will have frequent resignations of the Ministry ?

A.—I do not think so.

Q.—With regard to your proposal for the Government of the Central Provinces, would you suggest that the Governor should retain the power of veto ?

A.—Yes ; he requires certain powers.

Q.—And also powers of certification ?

A.—Of course, yes, but very limited.

Q.—Then you say that you want the Ministry responsible to the Council and you also want the Executive Council to be done away with. So, in effect, the whole of the great Province of the Central Provinces would be governed by its Council. Are you prepared to entrust the Government of the Central Provinces now to the present Council of the Central Provinces ?

A.—If it changes its present policy. It will make some mistakes but will learn by experience.

Q.—You do not think that it will be better to learn on under the present arrangement ?

A.—The present arrangement does not afford a congenial soil for learning the art of administration. It is impossible to emphasize too strongly the serious disadvantages to the public good of setting up a dual administration which places constantly before the people the British element and the popular element of the Government as opposing factors.

Q.—You say in your memorandum that they have learnt something. Don't you think that they might learn more before an extreme step is taken ?

A.—At every stage the present system leaves a greater ill-feeling than before.

Q.—So you think it is better to introduce the new system of Government at once ?

A.—Yes.

Sir Tej Bahadur Sapru.—*Q.*—Mr. Chitnavis, you are not by profession a lawyer ?

A.—No.

Q.—You have been for nearly 30 years of your life a servant of the Government ?

A.—Yes.

Q.—And you rose to be a Deputy Commissioner ?

A.—Yes.

Q.—And I take it that you are one of the biggest landholders in the Central Provinces ?

A.—Fairly big.

Q.—So that I take it that you have very substantial stake in the Central Provinces ?

A.—Yes.

Q.—As a rule you have not been accustomed to interpret laws ? Not even as a Deputy Commissioner in the Central Provinces ?

A.—I have exercised judicial functions.

Q.—I suppose a District Magistrate in the Central Provinces has got to do a great deal with the Indian Penal Code and the Criminal Procedure Code but very little with the Government of India Act. He had very little to do with the constitutional questions ?

A.—Quite so.

Q.—Now I take it that you were at one time very fond of dyarchy and such little love as you had for it has gone now ?

A.—Quite so.

Q.—May I take it that that is not merely your feeling but the feeling of the intelligentia in the province ?

A.—Yes.

Q.—Will you please tell the Committee what has been exactly the relation between what is called the intelligentia and the masses there during the last three or four years ?

A.—There has been no conflict between them.

Q.—I am putting to you point blank. It is sometimes suggested that there is a very wide gulf which divides the intelligentia from the masses. Is that the position now ?

A.—I do not think that is the position now.

Q.—Then am I to take it that the general feeling among the political classes—the Swarajists, the No-changers, the Liberals, the Independents and the Non-descripts in your province is that dyarchy must go ?

A.—Certainly.

Q.—You said in reply to the Chairman that you went out because there was a vote of no confidence passed. Was that a censure on the Ministers personally or was that the way which the Council adopted of expressing its dissatisfaction with the present system ?

A.—The majority of Council said it distinctly that the motion was not an attack against the Ministers personally but it was against the system of which they were a part.

Q.—So there was no personal censure ?

A.—That was what the majority party said.

Q.—Now you spoke of joint consultations in your Cabinet in the Central Provinces. May I know what was the practice so far as the circulation of files in your Government was concerned. Did the Ministers get the files on matters relating to the reserved department which came up for discussion at a joint meeting ?

A.—Certain files did come. When a file was marked for a Cabinet meeting, it was sent to us. Those files were circulated. Every file relating to the reserved departments was not circulated.

(*Mr. Chairman*).—*Q.*—The files were circulated in every case in which there was to be a Cabinet meeting ?

A.—Yes.

Q.—So that you did not go to the Cabinet meetings without preparation ?

A.—No. On some occasions however as, for instance, the appointment of a Judge in the Judicial Commissioner's court, the file was not circulated to us, but the Governor asked for our opinion.

Q.—Was that practice in existence from the very beginning or did it come into vogue at some late stage ?

A.—It was from the very beginning.

Q.—And it lasted right up to the last moment ?

A.—Yes. In some cases, very few, it happened that we were called in at certain stages and not at others. The Governor used his discretion.

Q.—What I want to know is whether the subjects relating to the transferred subject also came up for discussion at these meetings ?

A.—Yes, in certain cases.

Q.—So that most of the subjects that came up for discussion were really subjects relating to the reserved half of the Government ?

A.—Yes.

Q.—Did you or your colleague ever ask the Governor to treat you and him as jointly responsible for the transferred half ?

A.—No.

Q.—Why not ?

A.—So far as my departments were concerned there was need for joint deliberation on two or three occasions and this was done.

Q.—Apart from your relations with the Governor, did you or your colleague ever jointly consult each other ?

A.—Not formally.

Q.—Would you hold the Governor responsible for that ?

A.—Certainly not.

Q.—Did you and your colleague belong to the same political party ?

A.—I belong to the Liberal Party. He is, I believe, an independent.

(*Mr. Jinnah*).—*Q.*—Cannot you tell even now after having worked together for three years ?

A.—It is rather difficult to say.

Q.—I want to know whether it was due to incompatibility of temperament or whether it was due to differences in political principles that you and your colleague could not evolve for yourselves the joint cabinet meeting system of consultation ?

A.—You may put it to the difference in temperament.

Q.—But if there had not been this difference of temperament, then there would have been nothing to prevent you from consulting him ?

A.—None.

Q.—Now in point of fact you will agree with me that, as the law stands at the present moment—and if I am wrong please contradict me—there is nothing to prevent the Governor from selecting his Ministers from two different parties ?

A.—Nothing, at present there is nothing to prevent him from doing that.

Q.—And, in point of fact that has been done at some places ?

A.—Yes.

Q.—May I ask you to explain exactly the position of the depressed classes in your province ?

A.—There seems to be a general desire to help them in improving their position and status.

Q.—Would you say that the orthodox sentiment in the Central Provinces is confined to the older generation and that the younger generation is more forward in its views and more sympathetic towards them ?

A.—That is true.

Q.—What is the political strength of the older generation ?

A.—I do not think it is very much.

Q.—It is disappearing ?

A.—Yes.

Q.—We heard last year in England a great deal about a resolution which was stated to have been passed in your Council to the effect that certain members of the depressed classes should not be allowed to draw water from joint wells. Will you please tell the Committee whether any such resolution was passed. If so, at whose instance it was passed and what was the attitude of the educated classes with regard to it ?

A.—I have, I must confess a bad memory, I cannot give a reply without referring to the Council proceedings.

Q.—Is there any means by which you can find that out ?

A.—Yes. I tried to get hold of the proceedings, but I found the Library closed.

Q.—Could you tell us what was really the attitude of Brahmins in your Council towards this resolution ?

A.—They were on the whole in favour of the use of public wells by the depressed classes.

Q.—All the Brahmins were in favour of it or some of them ?

A.—Most of them were in favour of it. The resolution was, I think, about the use of public wells and the places of public worship. The resolution contemplated the admission of members of the depressed classes into temples. The resolution was moved by the members of the depressed classes. There are two nominees of the depressed classes in the Council and the resolution was brought forward by them.

Q.—What was the result ?

A.—I could not tell you from memory.

Q.—What I want to know is whether the Brahmins supported the depressed classes in their demand ?

A.—My impression is that a majority were in favour of the use of wells by the depressed classes. There are probably some difference as regards places of worship.

Q.—So far as the admission to the temples is concerned, you will probably admit as a Hindu that that bar is not only against the depressed classes but against certain other classes of Hindus and other communities too ?

A.—Yes. I believe in Madras there is a good deal of trouble about this. In one place I am told my caste people have had to build a separate temple for themselves.

Q.—Admission into places of public worship among Hindus depends upon quite other considerations ?

A.—Yes. About public roadside wells, there are no restrictions. In villages, however, objections do exist.

Q.—Is there any objection to the members of the depressed classes passing through the streets in your province ?

A.—There is nothing of that in my province.

Q.—Or travelling in the same compartment ?

A.—None.

Q.—Or to their attending the same schools ?

A.—None now. They now get admission in all schools. Objections were raised, a few years back, but now free admission is granted. During the last session a resolution was passed granting special concession as regards admission into the Government High School at Nagpur.

Q.—Is there any demand for further representation by election among the depressed classes in your province ?

A.—Yes.

Q.—You think that if nomination in their case was done away with and certain seats were thrown open to election, they would be able to give a good account of themselves ?

A.—I think so.

Q.—What is exactly the position of the Muhammadan community in your province ?

A.—They have got separate representation in the Council but not on the local bodies, I think, yet.

Q.—And not on the local bodies ?

A.—No.

Q.—Is there any movement for getting separate representation in local bodies among Muhammadans ?

A.—When the Municipal Act was under debate and discussion in the Council that question was raised, but I believe it was subsequently given up.

Q.—Will you please tell me what has been the general relation between the Hindus and Muhammadans in the C. P. as a whole during the last three years ?

A.—There has recently been conflict in Nagpur, but in the rest of the province I have not heard of any differences. The conflict relates to the playing of music in front of Mosques.

Q.—But before that what was the state of things ?

A.—The relations were on the whole cordial and friendly.

Q.—The relations were on the whole cordial and friendly ?

A.—Yes.

Q.—What was the general attitude of the Muhammadan members of the Council towards the Ministers ?

A.—I think they were very cordial and helpful.

(Mr. Chairman).—In fact, you had a Muhammadan colleague.

Sir Tej Bahadur Sapru.—Not in the last Council.

Q.—You said in reply to some questions that you did not think that a proper party system could grow up under the present system. May I put it to you whether it is not the fact that the ministers in your province as also your supporters suffered in popular estimation because rightly or wrongly they were supposed to be associated with the Government in regard to their policy of Law and Justice ?

A.—Yes.

Q.—That is the fact ?

A.—Yes.

Q.—And am I right in assuming that whatever may be the number of subjects that may be transferred you cannot possibly develop in this country a true party system unless you first of all transfer Law and Justice ?

A.—Yes, I think so.

Q.—It would be quite impossible to develop a party system. I suppose that is because the average man comes directly into touch with the administration of criminal justice in this country ?

A.—Yes.

Q.—And he judges of the Government by that

A.—Yes.

Q.—Will you tell me one thing more ? As regards the transfer of the land revenue department you, as a malguzar and a big malguzar too, do not apprehend any serious danger to your interests as a malguzar or to the community of malguzars if that subject can be transferred ?

A.—I think we shall be able to look after ourselves.

Q.—And what about Forests ?

A.—Well, I do not think there can be any difficulty. They are in Bombay managed by a Minister and I do not think that any difficulties have arisen, or any mismanagement or maladministration has been discovered.

Q.—Will you please tell me whether you have given any consideration to section 19A of the Government of India Act ?

A.—Not very much perhaps. I am not a lawyer and I have not been a lawyer.

Q.—May I in this connection remind you of the speech of Sir Malcolm Hailey in the Assembly last February or March ?

A.—I have read it, but I do not remember now exactly what Sir Malcolm said.

Q.—The point of view which he put forward before the Assembly was this. It is impossible to take action—for the Secretary of State to take action—under 19A unless we get complete responsible government. I hope I am not doing any injustice to Sir Malcolm Hailey, but that was the substance of it. Now, do you agree with that view ?

A.—For that reason, we want complete responsible government.

Q.—And when you get complete responsible government there will be no occasion for the Secretary of State to take action under section 19A.

A.—I think not.

Q.—May I in this connection draw your attention to section 131 of the Government of India Act ? Having considered these two sections, will you kindly answer this question of mine ? Whatever the Secretary of State may do under section 19A, he cannot extinguish himself ?

A.—No.

Q.—Or his powers ?

A.—No.

Q.—That is to say, as Sir Malcolm Hailey pointed out, under section 19A no action could be taken by the Secretary of State so long as the present constitution lasted ?

A.—Quite so. I think that is the position.

Q.—There are two more questions I should like to put to you. I suppose your Council at some stage passed a resolution suggesting or recommending that the Commissioners should be abolished ?

A.—Yes.

Q.—What happened to that resolution ?

A.—That has not been given effect to.

Q.—Why not ?

A.—The Government is of opinion that they are needed and that it cannot make out a strong case for the abolition of these posts. They will be needed in some form or other. I believe the Retrenchment Committee are in favour of retention of some of them. The public feeling is not altogether in favour of the abolition.

(*Dr. Paranjpye*).—*Q.*—As a Board of Revenue ?

A.—Yes, as a Board of Revenue.

Q.—You said that you would like the number of non-votable subjects to be reduced and you particularly referred to the item dealing with salaries.

A.—Salaries, appointments.

Q.—What exactly do you mean there by salaries ? Would you include travelling allowances also and many other allowances ?

A.—Yes.

Q.—That is to say, will you please formulate your answer ?

A.—There are various allowances which were objected to by the Council and the Retrenchment Committee also I believe recommended that they should be abolished, but no action has been taken with regard to them.

Q.—But so far as general salaries are concerned, you would probably be prepared to give protection to the public servants ?

A.—Certainly.

Q.—But you would not give an extended meaning to the word " salaries " ?

A.—No.

Q.—Then I take it that your position generally is that you want what is generally called provincial autonomy ?

A.—Yes.

Q.—Would you have provincial autonomy in the provinces controlled by an irresponsible executive in the Government of India ?

A.—No.

Q.—Then you would go the whole hog ?

A.—Quite so.

Q.—Then do you think that the present situation in the C. P. which has practically removed the ministers would have arisen if you had at an earlier stage resigned your office ?

A.—I do not think so. It would have been the same thing. Even if I had resigned before the resolution on the vote of confidence, was moved or immediately after that, the situation would have been the same so long as dyarchy continued.

Q.—Do you find any change in the attitude of the Members of the Council who were practically responsible for your expulsion ?

A.—There has been no occasion to gauge it. We have had no meeting of the Council since. I do not think there has apparently been no change. The majority party are still against dyarchy, I think.

Dr. Paranjpye.—*Q.*—You have told us that your two Ministers were practically independent of each other ?

A.—Yes.

Q.—And there was no joint consultation between you two ?

A.—None to speak of.

Q.—Have you heard of the state of things in Madras where Lord Willingdon asked one man to select his own Ministers ? He appointed one as Chief Minister and asked him to select his colleagues ?

A.—That is what I have heard.

Q.—Do you think that if such a practice had been followed in the C. P. it would have led to a better state of things ?

A.—Probably, it would have been.

Q.—What I want to know is this. If there had been a Chief Minister and he had been asked to select his colleagues, then is it not possible that he would have selected such colleagues that all of them together might have been able to command a majority in the Council ?

A.—I have my doubts, but that is the right procedure, and I would add that the nominations of non-officials ought to be made in consultation with the Ministry.

Q.—That might have been somewhat better, there was a greater possibility....

A.—That is, the Governor should have consulted one Minister, first selected one, and asked his advice as to his colleagues. He could have given several names and then the Governor could have selected one of them.

Q.—In that way you think that a majority might have been more easily obtained ?

A.—Yes.

Q.—You said you yourself had no definite majority in the Council?

A.—None.

Q.—Apparently, Mr. Kelkar had no definite majority in the Council ?

A.—I do not think he had.

Q.—Do you think you two together could have commanded a sufficient number of votes to be in a majority ?

A.—We might have.

Q.—Supposing you two had worked amicably together as joint ministers, you were consulting each other on all important matters, at least, in an informal way, do you think you would have been able to command jointly a majority to support you on any line of policy which you had decided upon ?

A.—On the whole we worked amicably.

Q.—There is one difficulty which suggests itself to me however. It is this. You would have a certain number of supporters. Those supporters obviously would have wanted your advice as to the line of policy to be followed on various questions. You might give them certain tips as to the line of policy to be followed on transferred subjects. But would they not have accepted your advice on reserved subjects also ?

A.—Yes, they might have.

Q.—And now under the present system of dyarchy would it have been possible to give them advice on reserved subjects ?

A.—No.

Q.—So that, although you might have been able to command a majority on the transferred subjects you would not have been able to get a majority on the reserved subjects ?

A—No.

Q.—Has it been your experience that the attitude of the Legislative Council, I am talking of the last Legislative Council, towards transferred subjects was rather different from their attitude towards reserved subjects ?

A.—After a year or so, there was a great distinction.

Q.—They were prepared to give you a little more latitude, treat you rather more kindly ?

A.—When they realised the position of the transferred subjects and also the position of the Ministers, there was a change in their attitude.

Maharaja of Burdwan.—*Q.*—What I would like to ask in connection with this is was not that attitude regarding reserved subjects more marked when it came to any question regarding political matters or law and order. Supposing it was a matter of the Irrigation Department's canalisation of a particular tract, the Legislative Council's attitude towards that matter of the reserved subject was more or less like the attitude it had towards the transferred subject but the attitude was more marked when it came to a question of a political nature ?

A.—Yes, about Law and Justice, about appointments and such questions.

Q.—Do you think that when you voted with the executive Government on reserved subjects, even though it may be against your own personal opinion, it was resented by the members of the Legislative Council ?

A.—It was.

Q.—Did you ask the Governor to excuse you from voting at any time ? Did you exercise your right of abstention ?

A.—On one occasion.

Q.—As it is, the transferred subjects were rather better treated by the Legislative Council ?

A.—Comparatively they were.

Q.—If, therefore, more subjects were transferred, practically all subjects were transferred to the ministers, the Legislative Council would be more favourable and reasonable ?

A.—They will realise their responsibility and it will be brought home to them that if they took any wrong action it will have a bad effect. The present system contains no corrective to their actions. In the absence of inevitable results flowing from engendered causes public opinion as to the right or wrong of actions forms very slowly and is uncertain and futile.

Q.—You say that you were unable, and I see this from some observations of the Central Provinces Government also, that ministers were unable to reject the opinion and advice of the Governor because they did not command a majority. Suppose you had a definite policy, that you had told your supporters and non-official members that you depended entirely on them and a majority of them refuse to support you, would you resign ?

A.—I think so.

Q.—From this point of view you think that the transference of all subjects would not have led to any difficulty at least in the last Council ?

A.—I imagine not.

Q.—I will ask one or two questions about the Finance Department. You make a good deal of complaint as regards the possibilities of the powers of the Finance Department. Was it a convention in your province that the objection of the Finance Department must prevail unless it was overruled by the whole Government ? Was that convention a formal convention ?

A.—I think so.

Q.—When you had any difficulty with the Finance Department the question would come before the whole Government and the whole Government probably commanded a majority on the executive side and consequently the Minister is bound to fail in his point of view ?

A.—Quite so.

Q.—That possibility may be one of your reasons of complaint ?

A.—Yes.

Q.—Did the Finance Department interfere with any cases that you sent up on the merits of the case ?

A.—In one case they tried to interfere but they did not succeed, about the excise rates.

Q.—You think that the Finance Department ought to have no right to interfere on the merits of the case ?

A.—When you have settled a policy, you must go on in consonance with it.

Q.—The Finance Department has got certain rules for the management of financial business ?

A.—Yes.

Q.—Suppose you send up a scheme for the appointment of four new officers. The Finance Department considers that the scheme is not suitable. They think that the scheme ought to contain six more officers. Do you think the Finance Department should have any such power ?

A.—Of course not.

Q.—They could only tell you that they have got no money in the budget for your scheme ; in your opinion they ought not to interfere on the merits of the case as it is ?

A.—I have no recollection of any case on my side. We had no new demand. We were endeavouring to reduce the staff rather than adding to it.

Q.—In any case the working of the Finance Department led to a great deal of delay in carrying out schemes. Was it greater in the case of the transferred subjects than in the case of the reserved departments ?

A.—I have no knowledge.

Q.—There is the question about reappropriation. I want to get a little more out of you about it. When a grant is sanctioned in the budget, is it true that the sanction of the Finance Department is required for spending it ?

A.—Yes.

Q.—You cannot issue orders about the spending of grants which have been sanctioned ?

A.—Not without the consent of the Finance Department.

Q.—Did they cause any needless delay in such matters ?

A.—Not needless delay, but there was delay. There used to be certain amount of delay.

Q.—Is it true that the Finance Department can call for any papers at any stage ?

A.—Yes.

Q.—Have they often done that in your case ?

A.—Yes.

Q.—You talk about the departmental heads. In your province, I understand that several departmental heads are Secretaries to Government ?

A.—We have introduced that system. The two Chief Engineers only were formerly Secretaries for their departments. Now, the Director of Public Instruction and the Commissioner of Settlements have been added.

Q.—What is your opinion about this ?

A.—There are both advantages and disadvantages about that system. You save a certain amount of expenditure in clerks and all that in the Secretariat. At the same time they get access to the Governor and they can, if they want to, get your orders upset.

Q.—How often has it happened ? Has it happened frequently often when the departmental heads went to the Governor over your head ?

A.—The Secretaries have got to go to the Governor once in a week. They take all the important files and a monthly abstract of decided cases is put up to His Excellency, and if he likes he makes remarks on the abstract or in the cases which are put up by the Secretary.

Q.—Does the Secretary tell you of the cases he is going to take to the Governor ?

A.—Not till after they have been seen by the Governor.

Q.—Is there a rule like this, that the Secretary must report to the Minister ?

A.—He goes on his allotted day and shows the Governor the cases that have been disposed of and which have not been seen by the Governor before.

Q.—He does not tell you beforehand ?

A.—Not necessarily.

Q.—Could you refer to your rules and find out ?

A.—I have not got them here at present.

Q.—Were there many disputes about postings and transfers ?

A.—Not in my departments. Mine were minor departments in the transferred half.

Q.—What is your opinion about the starting of a Public Services Commission for the making of appointments. Do you think the Ministers want to have the patronage in their hands ?

A.—It is better that this is done by an independent body.

Q.—Would they like to hand it over to an independent body like the Public Services Commission ?

A.—I think so.

Q.—What is the best policy ?

A.—An independent body would be preferable and save the Ministers from the charge of favouritism.

Q.—Have you had any cases during your time of administration about racial questions in the matter of appointments, Indians *versus* Europeans ?

A.—We have been trying to Indianise in the Agricultural Department for instance. Whenever there was a vacancy we tried to obtain a qualified Indian and we did succeed in the four cases that I had in my time. We wrote to the Government of India to select men for the vacancies, and the selection board at Pusa made the selections.

Q.—Did you have any difficulties with your heads of departments ?

A.—The heads of departments came to realise in time that Indianisation was the policy and they came round and agreed to taking in Indians.

Q.—Apparently you have not made any new appointments in the Imperial services, nor created fresh appointments ?

A.—We had neither money nor any necessity for it.

Q.—You had no opportunity to make a reference to the Secretary of State ?

A.—Yes. One post we abolished in the Co-operative department.

Q.—Were there any meetings of the Governor and the Ministers alone ?

A.—I do not think there were.

Q.—Have you any idea as to how often the Governor and his Executive Council used to sit ?

A.—I could not tell you.

Q.—How often did the meetings of the joint Cabinet take place. Once a week ?

A.—Whenever occasion arose.

Q.—Could you make a note on the file that a subject should be considered in a joint meeting ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Whenever you suggested a joint meeting effect was always given to your wishes ?

A.—Yes.

Q.—How often did you claim joint meetings ?

A.—Probably in one or two cases.

Q.—You told us that you noted on the files ?

A.—Only in those cases that were circulated.

Q.—Had you the right to ask for a joint meeting ?

A.—Whenever we thought it was advisable, we asked for a joint meeting. Mr. Kelkar in two or three cases noted that the whole question should be considered in a whole cabinet.

(*Mr. Chairman*).—*Q.*—The request was never refused ?

A.—No.

Q.—You wrote it on the file or communicated with the Private Secretary ?

A.—We have no Private Secretary in our Province. It had to be written on the file.

Q.—Now, as regards Governor's control over reserved subjects and Governor's control over transferred subjects, don't you think there is a great deal of difference between the two ?

A.—Yes, I think so.

Q.—In the one case the Governor has ordinarily to accept the opinion of the majority of his Executive Council and if he wants to overrule it, he has got to make a special note about it and the members of the Executive Council could record their Minute against it ?

A.—Quite so.

Q.—In the case of the Transferred Departments, don't you think it would be useless to record the Minute of dissent, because the proceedings in the case of the Executive Council have got to go to the Government of India and the proceedings in regard to the Transferred Departments do not go to the Government of India ?

A.—Yes.

Q.—So it would be futile to make a record of the Minute ?

A.—Yes.

Q.—And moreover is the opinion on transferred subjects, in the Council, arrived at by a vote of the two Ministers or by a single Minister ?

A.—By a vote of the Ministers.

Q.—The vote of the two Ministers is taken together ?

A.—Yes.

Q.—If a question of a transferred subject came to a joint meeting and a decision had to be reached, did the Governor tell you after discussion that he would himself tell you what course was to be followed ?

A.—Yes.

Q.—He did not take the votes of you two ?

A.—No. He saw what our views were.

Q.—Whom did the Governor usually support when a Secretary took a case over your heads to the Governor ?

A.—He generally accepted my view.

Q.—You have been telling us that there has been a great deal of financial stringency. I will just put up a hypothetical question. Supposing there had not been this financial difficulty and you had a fair amount of money to spend on new schemes, do you think dyarchy would have fared better ?

A.—In some subjects it might have, not in others, in my province.

Q.—The same impasse would have arisen even then ?

A.—Yes.

Q.—So you think that on the whole no small measures would ease the situation. You think practically all the subjects must be transferred ?

A.—Yes.

Q.—My last question is about the reconstitution of the Central Provinces. Do you think that the present constitution of the Central Provinces is satisfactory ?

A.—It is not satisfactory to some people. Generally there is a conflict between Berar and Central Provinces and between Maharatta Central Provinces and the Hindi Central Provinces. But you could not reconstitute it without incurring an increase in the cost of administration. The question will have to be carefully gone into.

Q.—Do you think it is absolutely necessary ?

A.—I think not.

Mr. M. A. Jinnah.—Do you consider the electorate or electorates in your province competent to select representatives of proper calibre ?

A.—On the whole they are. There can be no complaint as to the calibre of the representatives. But they are pledged to a certain policy, and that is a different thing. Some good men have no doubt been kept out on the ground that they had co-operated too much with the bureaucracy.

Q.—What I want to know is this. You see it is said that the electorate is not literate. It is illiterate. That is what is said. It is a fact that the percentage of literates in the electorate is a very small one. Is not that so ?

A.—In the rural areas it is so.

Q.—Generally the percentage is not very much ?

A.—No.

Q.—Do you think that there is a sufficient element of literate voters who are competent to return proper representatives ?

A.—Yes, that is what I said. They are intelligent enough to understand what is to their interest.

Q.—My next point is this. I think you went to the Council during the first election after the Act of 1919 ?

A.—Yes.

Q.—I want to know this from your own personal knowledge. Is it or is it not a fact that a large body of voters did not vote because they pursued the policy of Non-co-operation ?

A.—Yes, it is a fact.

Q.—And had they voted they would have certainly returned better men than those that got in the first election ?

A.—Yes. Some of the men who had got in would not have been there.

Q.—And the next election might show still better men ?

A.—We have got at present men with proper educational qualifications.

Q.—Now, it is said that the second election has sent men who have adopted an irresponsible policy. What is their attitude ? Is that any responsible attitude or because they think that these reforms cannot be worked ?

A.—They think that the reforms cannot be worked and they ought to be changed.

Q.—That is so far as the electorate is concerned. Now we come to the next point. I want to know this clearly from you. Supposing certain defects or certain flaws which have been pointed out by some of the Members here, supposing they were put right to your satisfaction, would you advse this Committee to continue the system of dyarchy ?

A.—No.

Q.—Even if they were put right ?

A.—No.

Q.—Then, do I take it from you that this system of dyarchy is incurable ?

A.—I think so. It has got many disadvantages.

Q.—It is incurable. I want to understand this clearly. It is suggested that there is a great deal of potentiality for improving the present position. You have had several suggestions from various members, for instance, the joint consultation, then the removing of various difficulties about finance and so on. They are all small things. I want to put it to you distinctly. Supposing all that was done to your satisfaction, would you then recommend that dyarchy should continue ?

A.—No, I am against dyarchy and I should like it to be removed. I strongly advocate its removal.

Q.—You were appointed a Minister by nomination ?

A.—Yes, selection by the Governor.

Q.—Nomination. The Governor nominated you ?

A.—Yes.

Q.—When you were nominated a Minister, did you command a majority ?

A.—No.

Q.—So far as your departments were concerned to whom were you responsible ?

A.—I was supposed to be responsible on the one hand to the Legislature and on the other to the Governor.

Q.—Let us go step by step. You were supposed to be responsible to the Legislative on the one hand ?

A.—Yes.

Q.—And on the other you were also supposed to be responsible to the Governor ?

A.—Yes.

Q.—I want to know how you were responsible to the Legislature ?

A.—They could pass a vote of no-confidence and they could force me to resign, if my policy did not meet their approval.

Q.—So far as the Legislature was concerned, at the most, they could pass a vote of censure ?

A.—Yes, and refuse supplies.

Q.—And refuse supplies. That is your salary of course ?

A.—Yes.

Q.—And then you would have to resign ?

A.—Yes, not necessarily under the Act. But still the right thing would be to resign.

Q.—If you chose to continue you could ?

A.—I think so, so far as my reading of the Act goes

Q.—Notwithstanding the vote of censure if you chose to disregard it you could continue ?

A.—Yes.

Q.—If you displease the Governor ?

A.—He could dismiss me.

Q.—Instantaneously ?

A.—Yes.

Q.—In one minute ?

A.—Yes.

Q.—What is the total number of elected members in your Council ?

A.—55, I think.

Q.—And the officials, nominated officials ?

A.—Nominated officials are 8, and nominated non-officials 8 or 9.

Q.—Now, look at the sections of the Government of India Act about the Minister. Section 46 is the first. That section says that government in relation to transferred subjects shall be by the Governor acting with Ministers appointed under this Act ?

A.—Yes.

Q.—What is the position of the Minister ? Is he his colleague ?

A.—He is an adviser. The settlement of policy in the transferred subjects does not really rest with the Minister. The ultimate authority rests in the Governor.

Q.—Supposing we gave him a glorified name, Minister in charge of the Department. Look at section 52, clause (3), which says :

> " In relation to transferred subjects, the governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice."

Therefore in practice he is a mere adviser. That is all ?

A.—It seems to me that he is an adviser. The Governor may accept or he may not accept the advice.

Q.—If your view is not accepted by the Governor and if you do not agree with the Governor then the only course open to you is to resign ?

A.—Yes.

Q.—And if you do not resign and if the Governor does not agree with you and the Legislature is of the same opinion, you will get a vote of censure ?

A.—Yes.

Q.—That is your position ?

A.—Yes.

Q.—It is rather precarious, very precarious ?

A.—Yes, it is.

Q.—It was said that there is no party ?

A.—There was no well-defined party in the last Council.

Q.—I want to know whether there can be a party under the present constitution ?

A.—There is at present no room for more than one party.

Q.—And that only party is the opposition party to Government ?

A.—Yes.

Q.—There cannot be any other party ?

A.—I think not.

Q.—And the party which opposes the Government only differs as to the methods ?

A.—Yes.

Q.—One party tries to persuade Government, one tries to obstruct Government and so on ?

A.—Yes.

Q.—Now, I do not quite understand your paragraph 18 which sums up. You say " The Ministers be emancipated from a great deal of control over them reserved to the Governor " and so on. Does that assume that if all that was done you do not mind dyarchy or what ?

A.—I have already said above in para. 16 that you may do all this but still we will not be satisfied. What we want is full provincial autonomy.

Q.—Now it was put to you—I think by Sir Arthur Froom—whether you want this to be done immediately and I think you said " Yes ". Do you know that what you want us to do involves the amendment of the constitution of the Act ?

A.—Yes, I know that.

Q.—And you say that, if necessary, that should be undertaken ?

A.—Yes.

Q.—I want to ask you one question which I ought to have put to you before. Supposing you had complete autonomy granted to your province, do you think that the commercial interests or any other interests will be secure under that system of Government or not ?

A.—I think they will be quite secure.

Q.—Will there be the slightest risk to their security in your province if full autonomy was granted ?

A.—I do not think there will be.

(*Dr. R. P. Paranjpye*).—*Q.*—You accepted the Ministership three and a half years ago. You had certain ideas about the way in which this Act would be administered and certain ideas about the way in which you would have to work. Do you think that during the last three years those ideas have been changed ?

A.—They have been considerably altered.

(*Dr. R. P. Paranjpye*).—*Q.*—So you are disappointed in your expectations ?

A.—Quite.

Sir Muhammad Shafi.—In reply to the Chairman you said that you would make the salaries of the services voted. Does that statement apply to services administering the transferred departments or also to services administering the reserved departments ?

A.—It applies to all the departments.

Q.—You said that you would transfer even Law and Order. Does that statement of yours apply to all provinces or only to your province ?

A.—I am telling only of my province. I have no experience of other provinces.

Q.—You said that these troubles in Nagpur between the Muhammadans and the Hindus are only recent.

A.—There was trouble some years ago but there was no trouble after that.

Q.—What are these troubles due to ?

A.—The dispute is about playing music in front of mosques.

Q.—The trouble is the same as we had in Panipat, Ajmere and other places ?

A.—Yes.

Q.—Have you heard of the Shuddi movement ?

A.—Yes, I have.

Q.—And also of the Sangatan movement ?

A.—Yes.

Q.—Are they not of recent origin too ?

A.—Probably they are.

Q.—And the troubles that we had recently in Delhi, Cawnpore and Nagpur and other places had all occurred after the Shuddi and Sangatan movements were started.

A.—The Shuddi movement did not extend to my province, until after the present trouble arose. There have been a few re-conversions but not since then.

Q.—In reply to Sir Sivaswami Iyer you said that paragraph 1 of your statement submitted to the Committee represented the views of supporters of dyarchy and that your own views were embodied in paragraph 15 where you say that dyarchy must go.

A.—In paragraph 1, I have given the arguments of those who justify dyarchy.

Q.—Did you form this opinion that dyarchy must go while you were a Minister actually a member of the dyarchy as the result of your own personal experience ?

A.—Yes.

Q.—At the time when you were Minister ?

A.—Yes.

Q.—Did you hold this view when your local Government asked you to submit a memorandum embodying your views regarding the constitutional changes ?

A.—I had not all the papers with me and therefore I sent them only my views about the constitutional aspect of dyarchy.

Q.—You have told me just now that you form this view that dyarchy must go as a result of your own personal experience when you were a Minister. The Local Government asked for your views now after you had completed your three years of office and had ceased to be a Minister. My point is : Did you hold this view that dyarchy must go at the time when the Local Government asked you to submit the memorandum ?

A.—As I understood the scope of that reference, I thought that the only proposals wanted were for the amendment of the present system. That is how I understood the reference.

Q.—Therefore you expressed no opinion as to whether dyarchy should go or not ?

A.—I did not do so in consequence.

Q.—May I invite your attention to the last paragraph of your written statement to your local Government. This is what you say in the final paragraph of your memorandum submitted to the Local Government: "Perhaps dyarchy is a clumsy weapon for forging a system of complete Government; but still I should think it has given us some training. During the last few years the country has received immense political awakening. The electorate, though still ignorant and lacking in public spirit, is not quite so backward as it was three or four years ago. The franchise can now be extended and the electorate widened. With a wide electorate more powers can be entrusted to the representatives of the people in Provincial Legislatures. Only in that way can the anomalies inherent in a system of dyarchy be removed, and Ministers entrusted with powers commensurate with their responsibilities." Now I put it to you that in this paragraph you suggested a definite remedy for the removal of anomalies inherent in dyarchy and expressed not the slightest indication of your view that dyarchy should go.

A.—As I said, I understood the reference to mean that we had only to point out the defects in the present system and not give an opinion as to whether the present system should remain or go.

Q.—So you pointed out the difficulties so far as dyarchy was concerned and suggested the remedy for it?

A.—Yes.

Q.—At that time in your view the defects in dyarchy were remediable and in consequence you suggested the remedy?

A.—Some improvements in the present system, are possible, but they would not go to the root of the question.

Q.—In reply to another question by Sir Sivaswamy Iyer you said that at the time of the first election owing to non-co-operation Chamars and ignorant men were elected, but that is not the position now. And in reply to a question put to you by Mr. Jinnah you stated that the electorate now has given its representatives as is shown by the result of the last election?

A.—They have returned educationally better representatives.

Q.—Your Local Government in their memorandum speaking on this matter say: "It was anticipated that, while the new Council will prove to be more advanced in views, it would contain a greater number of men of ability. The latter anticipation has not been fulfilled." Do you endorse that statement?

A.—The ability of several of the new men has yet to be tested. Being committed to a certain policy their ability as regards constructive work is untested.

Q.—Do you mean to tell the Committee that as a result of the last election the best men in your province have been elected to the Legislative Council?

A.—Fairly good men have come in. They are generally graduates and pleaders.

Q.—In reply to Dr. Sir Tej Bahadur Sapru you stated that there was no personal want of confidence in the Ministers. The Swarajist action was against the system?

A.—That is what the Swarajists said.

Q.—If there was no want of confidence in the Ministers why did the Ministers resign ?

A.—I could see no good in sticking on to office under existing conditions.

Q.—You know that according to the ordinary constitutional practice of every country a Minister is called upon to resign when a vote of want of confidence has been passed by the Legislature in so far as he is concerned. We were told that this action of the Swarajists was not due to any want of personal confidence in the Ministers. It was merely because they were not satisfied with the system. If that is so, if the Swarajists and non-Swarajists had personal confidence in the Ministers why did the Ministers resign ?

A.—They had no confidence in the Ministers as part of the present system. Without money no useful measures could have been adopted. There was nothing left but ordinary routine work, and even that might have been obstructed.

Q.—In so far as the Council is concerned, measures taken by Ministers for the administration of their department would come before the Council only when there is a Bill relating to that department, or at the time of the budget when supplies are to be voted ?

A.—Yes.

Q.—During the year unless there is a definite measure brought forward before the Council the Ministers can carry on ?

A.—Bills were brought before the Council which were thrown out. There were three Bills thrown out by the Council,—the Primary Education Bill, the Opium Bill, and a third Bill.

Q.—In reply to Dr. Sapru, again, you said you cannot have a party system unless you transfer Law and Justice. That is a mere statement. Will you kindly give me your grounds in justification of that statement ?

A.—Unless Law and Justice is also transferred there cannot be full provincial autonomy.

Q.—Dr. Sapru put to you a leading question, and in reply to that you said ' Yes '. The statement was you cannot have a party system in the Legislative Council unless you transfer Law and Justice. That was your statement. Can you give your grounds in justification of that statement ?

A.—A partial transfer would still operate powerfully to make the differences of opinion that arise between the people and that part of the Government which is known as British. At every stage a greater ill-feeling will be left than before.

Q.—What has that to do with the creation of a party system ?

A.—Without full responsibility it will not be possible to evolve a party system on right lines.

(*Mr. M. A. Jinnah*).—*Q.*—If you transfer Law and Order you transfer everything ?

Q.—Is there not a Swaraj party in the Legislative Council ?

A.—Yes, but that is for a different purpose at present.

Q.—Is there not a landlord party in your Council ?

A.—None.

Q.—Is it essential to transfer Law and Justice in order that a party representing landlords should turn up ?

A.—No.

Q.—That is a matter relating to the government of the Province. My point is, how is the transfer of any subject essential to the creation of a party system ?

A.—I have formed that opinion.

Q.—In reply to Dr. Paranjpye you said that the Finance Department can call for any case at any stage ?

A.—Anything relating to finance ; not every case.

Q.—You told the Committee that during the three years you were a Minister in the C. P. the Governor and his Ministers never met together in connection with any matter ?

A.—I do not think we met purely in connection with a transferred subject.

Q.—What I would like to know is this. On any occasion did any one of the two Ministers suggest to the Governor that there should be a joint meeting of the two Ministers and the Governor and he refused ?

A.—I cannot remember any such case.

Q.—I want to ask you one or two questions apart from what you have already stated. The views contained in paragraphs 10 to 15 of your memorandum concerning what you describe as restrictions of higher authorities are, I presume, a result of the belief that removal or relaxation of control of higher authorities is essential to the development of constitutional government ?

A.—Yes. I do not say that all of them should be removed, but they should be curtailed.

Q.—You consider relaxation essential to the development of constitutional government ?

A.—Yes, for the development of full responsibility.

Q.—And that is the reason why you have put forward those views ?

A.—Yes.

Q.—Do I understand that you advocate complete removal, for instance, of the Secretary of State's.....

A.—His control I think ought to be removed.

Q.—Complete ?

A.—To a very great extent.

Q.—Is it relaxation you contemplate or complete removal ?

A.—We ought to have I think complete removal.

Q.—Is that consistent with what you have said in another part of your statement on foreign affairs, affairs relating to Indian States and defence ?

A.—That is in connection with the Central Government, not with regard to the provinces. My statement is with regard to the provinces.

Q.—Your statement excludes Indian States ?

A.—Yes.

Q.—The Central Government will have to have control of these three. But have any Provincial Governments anything to do with foreign affairs ?

A.—No. I am not talking about that.

Q.—Then you think that in regard to these three subjects the control of the Secretary of State over the Government of India should continue ?

A.—Yes.

Q.—Until full responsible government is granted ?

A.—Yes, in the Central Government.

Q.—Then it is relaxation of the Secretary of State's control really that you advocate and not absolute removal ?

A.—In the provinces, I advocate absolute removal.

Q.—I am not talking of the provinces, but of the Central Government. Will you kindly look at section 19A of the Government of India Act ?

A.—He can delegate under that section.

Q.—Restrict the control by rules ?

A.—Yes.

Q.—For your purpose what you have in view can be achieved under section 19A without amending the Act ?

A.—Whatever can be done under the Act.

Q.—You are not a lawyer, but for three years you were a minister of the reformed Government and had to do with the Government of India Act during that period and do you mean to say that you never looked it up ?

A.—That can be done under 19A., and whatever can be done under the Act may be done.

Q.—Let us then turn to your specific proposals. If you turn to page 8 of your statement, the first proposal is that the ministers should be emancipated from a great deal of control—not entirely, but a very great deal of control—over them reserved to the Governor. That can be done by rules and by conventions ?

A.—I think so. I think I said that.

Q.—A Ministry in place of individual Ministers, be recognised and corporate responsibility prescribed. That can be done without amending the Act ?

A.—Yes.

Q.—The powers of Ministers be enlarged and they be relieved of a great many of the existing restrictions—financial, legislative and administrative. That can be done without amending the Act ?

A.—Yes.

Q.—The Finance Department be removed from the control of a Member of the Executive Council. That can be done without an amendment of the Act ?

A.—Yes.

Q.—Full autonomy and power over the purse be granted in the provinces to the representatives of the people in the legislatures. Some part of it can be done by rules, but the whole of it cannot be done without an amendment of the Act ?

(Sir Tej Bahadur Sapru pointed out that it must not be assumed that those of the members of the Committee who were hearing these questions accepted the suggestions implied in them.)

(Mr. M. A. Jinnah drew the attention of the Chairman to the fact that the Hon. Sir M. Shafi was pursuing a fresh line of examination of the witness. He said that he could be re-examined only on such matters as arose out of cross-examination. The Chairman permitted the Hon. Sir M. Shafi to continue his examination.)

Q.—And the steps which you have mentioned at the top of page 8 can also be taken. You yourself have given an illustration of the steps ?

A.—Yes.

Q.—May I put to you one question with regard to these. Are these your personal opinions, or as a result—these demands—of the study of the Indian political conditions you think that this is the general view of the politically minded Indians ?

A.—Yes.

Q.—Are these your personal views, or do you think that this is the general view of the politically minded Indians ?

A.—My view after studying the political situation in the country and taking into consideration the political circumstances.

Q.—That being so, I want you to explain this sentence in your statement, "I must not omit to say that the advance which it will be possible to make by such means will fall very much short of true responsible government which the country demands—that I can understand." Then you go on to say, "and it will be deeply resented and strongly opposed by all politicians in India." I confess I do not understand that. You enumerate certain steps which ought to be taken. You say that the politically minded Indians all want these steps to be taken and yet you add that if these steps were taken then they will be opposed and resented.

A.—That is, if complete autonomy is not granted and if you only take a few steps and make changes in the rules that would not be acceptable.

Q.—You really mean that these steps will not satisfy Indian public opinion? That is all you mean by "opposed and resented?"

A.—Yes.

Mr. Chairman.—*Q.*—I only want to ask one question. It is a matter of information. In the papers I have before me it is stated thus:—"In the C. P. and Berar there are 14 millions of people of whom under six hundred thousand or less than five per cent. are literate." Then it refers to "Gonds," "Mahars," "Chamars," "Kunbis" and "Telis" as comprising nearly half the population of the province. Am I right that the castes referred to there are what are called depressed classes?

A.—The numbers must have been taken from the last Census returns.

Q.—I want to know whether these castes belong to the depressed classes?

A.—We have got Mahars.

(*Sir Tej Bahadur Sapru*).—*Q.*—The Chairman wants to know which of these persons you would be prepared to classify as depressed classes in the Central Provinces, namely, the Telis, the Gonds, the Mahars?

A.—Not the Telis.

Q.—The Gonds?

A.—Only in the jungly tracts.

Q.—Mahars?

A.—Yes.

Q.—The Kunbis?

A.—The Kunbis are not a depressed class. They are farmers—agriculturists.

We are very much obliged to you, Mr. Chitnavis, for your attendance and the evidence which you have given.

The witness then withdrew.

Saturday, the 9th August, 1924.

The Committee met in the Committee Room B of the Assembly Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Rao Bahadur N. K. Kelkar, Ex-Minister, Central Provinces.

EXAMINED BY THE CHAIRMAN.

Q.—Mr. Kelkar, do you like to be examined in public ?

A.—Yes, Sir.

Q.—In the first place, Mr. Kelkar, let me thank you for your Memorandum and your courtesy in attending our examination. Before I ask you any questions on the Memorandum, I should like to explain that I am asking questions purely with the object of eliciting information and not with a view to criticise your views. I wish first to put a few questions about yourself. I take it, Mr. Kelkar, that you were a member of the first Legislative Council in the Central Provinces ?

A.—Yes.

Q.—Would you mind telling us what experience you had of local administration before that ?

A.—Do you mean provincial administration ?

Q.—Yes.

A.—Before I became a member of the Legislative Council as it was in the pre-reform days, I had practically no experience of provincial administration as such, because I was not directly connected with provincial administration. But I had a lot of work to do in connection with local bodies, municipal boards, district councils and co-operative banks.

Q.—What was the constituency by which you were elected ?

A.—In the first council, I represented the district councils of the southern districts of the Central Provinces ; and in the second council I represented the landholders constituency.

Q.—Was there a by-election ?

A.—There were two regular elections. In the first election after the Reforms I represented the rural constituency of the Balaghat district.

Q.—That is in the council now in existence ?

A.—There were elections in the month of December last.

Q.—What constituency did you represent in the first reformed council ?

A.—The rural constituency in the Balaghat district.

Q.—And you still represent that ?

A.—No, I have been ousted.

Q.—You are no longer a member ?

A.—No.

Q.—Did you stand for that constituency again ?

A.—No, I stood for another constituency, *viz.*, Nagpur City *cum* Kamptee, Non-Mohamedan Urban Constituency.

Q.—And you were appointed Minister ?

A.—Yes, I was appointed Minister in the first term of the Reformed Council.

Q.—And you held office for 3 years in the first Council ?

A.—Yes.

Q.—What were the departments in your charge ?

A.—Four departments, Local Self-Government, Education, Public Works (Roads and Buildings) and Public Health and Medical Relief.

Q.—And you held charge of these departments throughout that period ?

A.—Yes.

Q.—Have you got your Memorandum with you ?

A.—Yes.

Q.—I see in paragraph 6 you say " time will soon come for extension of franchise ". When you said the time will soon come, what sort of time had you in view ?

A.—One or two elections under the new constitutions of district boards and municipal committees.

Q.—The number of electors in the Central Provinces according to my papers here is about 150,000 ?

A.—Yes, about that.

Q.—What would you contemplate when the time comes for extending the franchise ? To what extent would you propose extending it ? Would you double it ?

A.—About 5 per cent. more.

Q.—Five per cent. of the population of the existing electorate ? Will it be 5 per cent. of the 150,000 ?

A.—5 per cent. of the total population. That is 14 millions.

Q.—That would double the electorate ?

A.—It will be more than double, about 4 times.

Q.—Do you think in two or three elections that would be possible having regard to your view that the present electorate is illiterate ?

A.—Yes.

Q.—I see you say that they are illiterate and a fairly large portion of the literate voters generally do not care to think of the elections in the provinces.

A.—Yes.

Q.—How then could the franchise be extended ?

A.—Because I find in the municipal elections, and in the district council elections, and also legislative council elections, people do take more interest than they used to do before.

Q.—You recommend that special qualifications should be imposed in the case of members as distinct from electors ?

A.—Yes.

Q.—Could you give the Committee any idea of what qualifications you can suggest ?

A.—Yes, certain educational qualifications and administrative experience in the past, such as being members of local bodies or having done some administrative work in the co-operative movement, and so on.

Q.—Is not that a rather curious franchise, previous administrative experience ? I think as a rule franchise is based on educational qualifications in certain cases, on restrictions on age and on property. Can you tell me any instance of franchise based on administrative experience ? I mean Parliamentary franchise ?

A.—That is not my object. I do not mean to say candidates. Candidates for election as members must possess certain qualifications.

Q.—You suggest administrative qualifications ?

A.—Yes, that gives administrative experience.

Q.—Your object in making that proposal is that the task of Government must be entrusted to those who are capable of realising responsibility ?

A.—Yes.

Q.—Then, in paragraph 9 and onwards you are dealing with the question of communal representation, to which you are very greatly opposed. But I find that in certain provinces communal representation is at present recognised ?

A.—Yes, it is recognised.

Q.—Special seats are provided for Muhammadans ?

A.—Yes, and depressed classes come in by nomination and the Anglo-Indian community comes in by nomination.

Q.—Let me take the question of election. I think I am correct in saying that there is communal representation only in the case of Muhammadans by election ?

A.—Yes.

Q.—Would you abolish that ?

A.—Yes.

Q.—Would you abolish also nomination which is now permitted for representation of the depressed classes ?

A.—Yes, I would.

Q.—How would you ensure the representation of the depressed classes in the local council ?

A.—In the general constituency they will be amply represented.

*Q.**—Is there any instance of a member of the depressed classes having been elected by a general constituency so far ?

*A.**—They did not stand at all.

*Q.**—There is no instance of a member of the depressed classes having been elected by a general constituency ?

*A.**—Not in the Central Provinces, because they did not stand at all.

Q.—Do you think that if they had stood there would have been any chance of their being elected ?

A.—Yes, if they possessed certain qualifications they would have been elected.

---

*Mr. Kelkar explains later that these answers do not refer to the candidates put forward at the first General Election to discredit the Council.

Q.—Do you know as a matter of fact whether they possess the qualifications ?

A.—I do not quite follow.

Q.—You said if they had possessed qualifications they would have been elected. As a matter of fact are there any members of those classes who do possess those qualifications at present ?

A.—None at present, except perhaps one or two.

Q.—Then it would be rather difficult without the necessary qualifications for them to secure election under your scheme ?

A.—Yes.

Q.—Have you noticed in the course of your experience in the first council any tendency to increased communal feeling ?

A.—Yes.

Q.—Would it be right to say that the rivalry between Berar and the Central Provinces became more marked ?

A.—That was not due to communal feeling, but that was due to territorial jealousy.

Q.—Would it be right to say that there is a certain amount of jealousy between the Hindi speaking and Mahratti speaking districts ?

A.—There is no jealousy as such. I do not think there is any jealousy.

Q.—Was there any feeling between the Hindus and Muhammadans noticed in the council ?

A.—Yes, it was noticed in the council.

Q.—Did it increase or was the tendency the other way ?

A.—It was on the increase, I think.

Q.—There is one question I should like to put to you with regard to paragraph 12. I have read it but I have not quite understood it. You say that " Very few non-officials care to avail themselves of official training and experience ". Does it mean that the officials do not put their training and experience at the disposal of the non-officials or does it mean that the non-officials will not listen to the officials ?

A.—In the old council the non-officials did not mind the presence of the officials on the councils, but in the present councils—councils under the reforms—I have noticed that the non-officials do feel their presence.

Q.—They resent the presence of the officials ?

A.—Yes.

Q.—Do they resent the presence of the officials to such an extent as not to be prepared to avail themselves of their training and experience ?

A.—Yes.

Q.—I only wish to get the point clear ; I did not quite understand. In the same paragraph you say that the council should rid of the aristocratic element ?

A.—Yes.

Q.—And I take it by aristocratic element you mean the landholding classes ?

A.—The landlords classes, not the landholders.

Q.—Therefore you would take away the special representation to them ?

A.—Yes.

Q.—Is it your view that these classes would be able to obtain satisfactory representation in the general constituency owing to their influence ?

A.—Yes.

Q.—That is all your point ?

A.—Yes.

Q.—You do not desire to exclude from the local legislature those persons who have a large stake in the country altogether ? You would not disqualify them ?

A.—I do not see the point in giving them special representation.

Q.—You do not desire to prevent them from standing in an ordinary constituency ?

A.—They may stand in the ordinary constituency and seek election.

Q.—Do you think they would be successful ?

A.—Yes, they would be successful.

Q.—Owing to their influence and position ?

A.—Yes, on account of their position in the society.

Q.—As a matter of fact is any member of the landholding class at present representing a general constituency ?

A.—Yes, several persons who pay a certain amount of land revenue.

Q.—Do you mean the malguzari or the zemindari people ?

A.—That representation is confined to a certain number of people who pay a certain amount of land revenue, over Rs. 3,000 I believe.

Q.—Then you mean to say that at present there are separate constituencies ?

A.—Yes. There are several Malguzars in the Council who have come in the Council under the general constituency, although they do not pay land revenue amounting to Rs. 3,000 and over.

Q.—In paragraph 15 of your statement you say that it will take years before the electorate is properly trained in the sense of forming a judgment on definite political issues. Of course, you qualify that statement by saying that, although that is so, you would go on and widen the franchise.

A.—Yes.

Q.—Then in the next paragraph you say that if the points mentioned in para. 15 are not carried out and if the Council is not re-constructed, then it is worse than useless to think of further political advance or to talk about representative and responsible government ?

A.—Yes ; and I am very strong on that point. If the Council is divided into communal and class compartments, then it is useless to think about representative and responsible government in the proper sense.

Q.—Therefore the first step that you propose is to improve the constitution of the Council ?

A.—Yes.

Q.—By that you mean to get a better electorate and better members and these you will get by laying down qualifications for the membership ?

A.—Yes.

Q.—You are in favour of Council Secretaries ?

A.—Yes.

Q.—And you think that the Act should definitely be amended to provide for their selection out of the elected panel ?

A.—Yes.

Q.—That would involve the amendment of Section 52 of the Act ?

A.—Yes.

Q.—There is a complaint in paragraph 19 that sufficient papers are not given to Standing Committees ?

A.—Yes.

Q.—I made enquiries on that matter and found that it is nowhere the practice to place notes before the Standing Committees. By notes I mean Secretariat notes. What is generally done is that a Memorandum is sent round. Is not that the practice in the Central Provinces ?

A.—No.

Q.—Will it meet your views if that was done ?

A.—Yes. The memorandum should contain all the facts and reasons.

Q.—The present practice is that a note is written by an officer and is more or less of a personal character and I think in the Secretariat it is the rule that these notes are written for the information of the Department concerned ?

A.—I think the memorandum will do provided it contains all material facts and reasons. That would meet my requirements.

Q.—You make an interesting suggestion in paragraph 22, which I have seen repeated elsewhere, that three years is too short a period for the duration of the Council. By what period would you like to extend it ?

A.—I have suggested that the life of the Council should be five years.

Q.—You would, of course, notice that if you increase the period of the Council you would diminish the number of general elections and thereby you would delay to some extent the education of the electorate, because the more frequently the electorate exercise their functions the quicker is their education. Perhaps you have not taken that point into consideration ?

A.—My view on the contrary is that the people must be free of these frequent elections.

Q.—You think that the elections are too frequent at present ?

A.—Yes.

Q.—And you would adhere to five years ?

A.—Yes.

Q.—One of your arguments in favour of this view is that the Ministers must have time to learn their business ?

A.—Yes.

Q.—In practice, as a matter of fact, you have found that you would have learnt a good deal more if you had been a Minister for five years instead of three ?

A.—Yes.

Q.—You say that party loyalty is not a distinct feature of the Local Council. So far as these parties are concerned you fear that there may be danger in the future ?

A.—I do not see any danger in the future ; but that is a thing which we see nowadays and we have to guard ourselves against it. I do not think such a thing is likely to happen in the future.

Q.—Then what is your reason for such a thing not happening in the future ?

A.—Because there is a very strong tendency now to build up parties and to stick to the party programmes.

Q.—In paragraph 27 you suggest that it is not advisable to retain in the Act the provision that the Ministers should be appointed by the Governors and that they should hold their office during the pleasure of the Governors. One of the reasons that you give is that the Governor has not the power to restore the salaries of the Ministers. Do you think it is advisable that he should have this power ?

A.—No.

Q.—I do not quite understand, under your system, who would appoint the Ministers ?

A.—I suggest that the act of nominating the Ministers may be done by the Governor but they should be taken out of a panel elected or selected by the Legislative Council.

Q.—Is not that a very unusual suggestion ?

A.—It may be.

Q.—Can you mention any constitution in any part of the world where there is such a panel elected by the Legislature ?

A.—I think the general practice is to elect Ministers who enjoy the confidence of the House.

Q.—Undoubtedly the King summons those Ministers who enjoy the confidence of the House, but they are not first of all elected by the Legislature. Don't you think that there might be some difficulties if your suggestion is adopted ? Supposing there are three parties nearly well balanced in a Legislature. On what system would you elect your Ministers ? If the majority are to nominate a panel, then presumably they will nominate the panel of their own supporters, who do not, in fact, enjoy the confidence of the House. Don't you think there might be a difficulty there ?

A.—That is conceivable, I think, but I do not think it will happen in practice that the Council will divide into three or four parties equally balanced.

Q.—Supposing it is divided into two parties—one Hindu and the other Muhammadan. What will be the result of your system of appointment of Ministers ?

A.—But if we retain the provision in the present Act, there will be deadlocks.

Q.—Do you think it is advisable to have these deadlocks ?

A.—But I cannot see how the appointment by the Governor would help us.

Q.—Because the Governor would select Ministers who will carry on the business ?

A.—But if the Ministers get a handsome salary of one rupee a year, I don't think they will stick to their posts.

Q.—Is it not possible that the Act may be so amended or modified that the Ministers receive their salaries as long as they work ?

A.—What I mean is that the Ministers should be appointed in consultation with the Council. Those persons only should be appointed Ministers who enjoy the confidence of the House.

Q.—That of course is the constitutional position ; but what about the election of a panel by the Legislature ?

A.—The panel simply means this. The Governor will send for a certain number of prominent members of the House and obtain from them the information as to who is likely to get the largest amount of support of the Council.

Q.—That is not the same procedure as election of a panel by the House. Do you wish to pursue that point ?

A.—It would serve my purpose if the Governor invariably sends for the prominent members of the Council or invariably consults the Council in one way or the other in order to find out as to who has the largest amount of support of the Council. The panel system would probably be useful in case the suggestion put forward by you does materialise, namely, when the Council is divided into two or three equal parties. In that case panel system would certainly be preferable.

Q.—You think that there should be a definite provision regarding the interference of the legislative with the executive work ?

A.—Yes.

Q.—You have found that there are tendencies from the Legislature to interfere unduly and beyond its reasonable powers. Do you suggest that there should be a statutory provision for that ?

A.—I suggest that there should a provision in the Rules.

Q.—You mean to say a statutory provision ?

A.—I do not think there is time to make any provision of that kind just now. If the other suggestion is accepted perhaps there would be no occasion for it.

Q.—Is this a very definite suggestion of yours ?

A.—Yes ; because I do not like that the Legislative Council should interfere too much with the administrative details.

Q.—Don't you think that the tendency to interfere in administrative matters would continue however the Council may be constituted ? Don't you think the Minister and the party, if they are well supported, will have such a tendency ? It will be rather accentuated than reduced ?

A.—In that case I do not think it will continue.

Q.—You think that the stronger the Legislature is the less it would interfere ?

A.—Yes.

Q.—In paragraph 33 you say that the Cabinet meetings were few and far between.

A.—Yes.

Q.—But we had a witness from your province on Thursday who, I think, said that there were frequent Cabinet meetings. I mean meetings of the whole Government.

A.—I am not talking about those meetings. I am talking about the meetings of the Ministers and the Executive Councillors and the Governor.

Q.—That is what you call Cabinet meetings ?

A.—Yes.

Q.—They were not frequent ?

A.—No.

Q.—Were meetings between the Governor and the Ministers frequent ?

A.—I have said in my note that I have no knowledge of these meetings. They may have been well known outside but they are not known to me.

Q.—My question was : Whether the meetings between the transferred half of the Government, that is, the Governor and his two Ministers, were frequent ?

A.—The Governor and his two Ministers never met together. Our meetings used to consist of the Governor, the Executive Councillors and the Ministers.

Q.—Then there were no meetings of the transferred half ?

A.—Not as such.

Q.—You have no information as to the meetings of the Council, that is the Governor and his Executive Council ?

A.—No.

Q.—That naturally you would not have because you have your own joint meetings which, of course, you attend.

A.—I desire that the Ministers should have the right of attending all the other meetings also.

Q.—Then they would have joint meetings ?

A.—Yes.

Q.—Your point is that the Government should never meet except in joint meetings ?

A.—Yes.

Q.—In fact one of your main objections to the working of the system in the Central Provinces was that there was not sufficient consultation between the various branches of the Government ?

A.—No.

Q.—You yourself freely consulted with your fellow Ministers ?

A.—Yes, on general questions of policy I did.

Q.—Therefore as far as you could you facilitated joint consultation ?

A.—That was not joint consultation ; I consulted them individually but not at joint meetings.

Q.—You think that the main difficulty was that there were not enough joint meetings, and you would have liked to have a vote at the joint meetings ?

A.—Yes.

Q.—If you had voted at a joint meeting, that would have been something different to what is generally understood as dyarchy ?

A.—Yes.

Q.—I see you are of opinion that the power of a Member of the Executive Council to record a minute ought to be granted to a Minister ?

A.—Yes.

Q.—To whom would that minute be forwarded ? The minute of the Member of the Executive Council can be sent to the Government of India, but the Government of India have no authority over the transferred subjects. To whom would the minute of the Minister be sent ?

A.—At least it would remain there.

Q.—You merely desire it for the purpose of declaring your position ?

A.—Yes, and if it refers partly to reserve departments and specially to the services, perhaps it may be necessary to send the minutes of the Ministers to the Government of India.

Q.—But you would like that power ?

A.—Yes, if the services are to continue subject to the control of the Secretary of State or the Government of India, I would like to have that power.

Q.—But you would like to have the power to record a minute in any case ?

A.—Yes, there must be a record of our votes.

Q.—In paragraph 52 you say :—" I always took the view that they (the Ministers) had only two courses open to them when they failed to influence the Governor from within, *viz.*, they must either resign or they must put up some member of the Council to agitate the same question in open Council." Would you regard that as loyal to your Governor ?

A.—No. Later on I have said that that is not a desirable course ; but that is inevitable.

Q.—What would be the view taken if a Member of the English Cabinet was to incite a Member of the House of Commons to attack his own Government ? Would it not be regarded as a breach of party loyalty ?

A.—I am afraid there is no such analogy between the British Cabinet and the Indian Cabinets because there is no dyarchy in England.

Q.—Still if a Minister retains office, he surely has some obligations towards the Government under which he holds office ?

A.—Yes, but he owes more obligation to the Legislative Council than to the Governor.

Q.—That would be met by resignation ?

A.—Yes, if the Government thinks it is a desirable course that the Ministers should be compelled to resign every now and then.

Q.—I am not trying to cross-examine you on the matter ; I am trying to get your ideas. Do I understand you to say that that is a legitimate course for the Minister retaining office to put up a Member outside the Government to raise a question ?

A.—No, I have said it is not desirable.

Q.—You would regard it as wrong ?

A.—I have explained how the Minister's position becomes awkward, because people expect us to do certain things and they ask us to place the popular view before the Government or the Governor, and if the Governor vetoes the Minister's proposals, what is the Minister to do ? He has to tell the people that he did not succeed inside the Government.

Q.—It is quite a different thing if it is taken up by the Member himself, but it is another thing if the Member is put up by the Minister ?

A.—Indirectly he is put up.

Q.—Will you look at paragraph 57. You claim there that the permanent officials challenge the propriety of the Miniters' orders, and you add that the Ministers can do them no harm, even if their recommendations are negatived by the Governor. That might be read that you

desire to punish a permanent official for putting forward a certain policy, that is not your meaning ?

A.—No, that is not it.

Q.—You say the Ministers can do them no harm ; would you desire to do a man any harm merely because he put forward a reasonable view ?

A.—Whether the Minister's view is a reasonable view or the view of the Head of the Department is reasonable is a question of fact.

Q.—That is not my question. My point was this. Supposing an official put forward a view, however wrong you might think it, if you believed that it was an honest view, you would not desire to do him any harm ?

A.—No.

Q.—What you really have in mind is factious opposition ?

A.—Yes.

Q.—Factious opposition you would like to have power to punish ?

A.—Yes.

Q.—As it is put it might be read that you desire to punish a perfectly honest expression of opinion, that is not so ?

A.—The question is whether this system should be retained at all.

Q.—Under any system you would not desire, I take it, to punish the propagation of honest differences of opinion, otherwise government would be very difficult ?

A.—Yes, but the real question is whether the heads of the departments should have this power at all.

Q.—Of opposing the Ministers ?

A.—Yes.

Q.—You would not suggest that they should not put their views before the Ministers ?

A.—They should put their views before the Ministers and argue before the Ministers.

Q.—Would you suggest that they did more than put their views before you ?

A.—They should put their views before the Minister, but if the Minister overrules them, they should accept the decision.

Q.—They should have no other recourse ?

A.—They should have no right of appeal to the Government.

Q.—Not even to bring their views to the Government ?

A.—No.

Q.—The Ministers would be in a position much stronger than the Members of the Executive Council ?

A.—Yes.

Q.—In the case of a Member of the Executive Council the Secretary can take a case to the Governor. You would not allow that in the case of a Minister ?

A.—No.

Q.—You imply generally that, although you were given a free hand in regard to policy, you were much interfered with in regard to detail ?

A.—Yes. What I mean there is that, so far as the Governor was concerned, I was allowed to have a free hand, but that does not mean that the heads of the departments did not oppose my policies.

Q.—But you were successful as a rule with the Governor ?

Q.—It was mainly in connection with pensions, salaries, punishments, etc., that your proposals were not accepted, and you thought wrongly ?

A.—Yes, I believed so.

Q.—You say heads of departments can seek interviews with the Governor in regard to transferred subjects but not in regard to reserved subjects, is that so ?

A.—Yes, I think so. May I read out the particular rule ? :—

> "Then if the head of a department desires to discuss any subject with the Governor, he may make a request for an appointment, and shall at the same time inform the Minister concerned of what he has done and of the subject he proposes to discuss."

Q.—Is not that true of the head of a department in a reserved subject ?

A.—There is no such rule here.

Q.—Will you look at paragraph 74 ? I gather from the whole tenor of your report that your relations with the Governor were of the most friendly character personally. Did you ever have any difficulty in obtaining an interview with the Governor ?

A.—No. I am talking of the matter of the rules.

Q.—Is there any rule which provides for an interview ?

A.—I may say at once that the Governor was accessible to me at any moment.

Q.—In these circumstances is any rule required ? Is there any rule giving a right to a Member to approach the Governor ?

A.—No.

Q.—May I suggest the reason that in the case of subordinate officers it is necessary to provide for an interview, in the case of Members of the Government it is not necessary. I do not propose to take you through these instances you have given ; they relate to persons and I think it may be undesirable. You think Ministers should be consulted in regard to recommendations for Honours ?

A.—Yes.

Q.—Is that not done ?

A.—No.

Q.—Not even informally ?

A.—Not that it was not done, but I one made a representation to the Governor that I should be consulted before these honours were conferred, and I was told that it was the exclusive privilege of the Governor and that no Member of the Government had any right.

Q.—No Minister or Member ?

A.—That is what I understood.

Q.—Then it is not a grievance particularly of Ministers ; it is shared by the other Members of the Government ?

A.—Presumably, but I do not know what the Executive Councillors have got to say.

Q.—You would withdraw from the legislatures, if I understand correctly, the annual consideration of salaries ?

A.—Yes.

Q.—Because, as you say, unless some such step is taken it would be difficult to check the annual vagaries ?

A.—Yes.

Q.—By that I think you mean that there should be some permanency in these matters. They ought not to be matters for every year's discussion ?

A.—Yes.

Q.—Did you have any difficulty in the Finance Department yourself : You have not mentioned very much ?

A.—I have not mentioned very much because there were no finances

.....

Q.—No. Not on the point of the purse but on the question of reference to the Finance Department ?

A.—I had occasion only once to differ from the Finance Department.

Q.—Not a serious difference ?

A.—Yes, it was a serious difference ; I wanted to borrow a loan for a certain purpose and I was told it was not permissible.

Q.—Did you object to that ruling ?

A—Yes, I did.

Q.—What was it based on ?

A.—It was based on the fact that the purpose for which I wanted the loan was not a remunerative purpose.

Q.—Is that one of the rules of the Government of India—that loans must be for remunerative purposes ?

A.—I think so, yes.

Q.—Do you consider that the rule should be changed and that loans should be made for unremunerative purposes ?

A.—What do you mean by " unremunerative " ? For instance, I wanted the loan for building a Science College and proposed to pay it back out of the current revenue every year.

Q.—And the Finance Department objected to that ?

A.—Yes.

Q.—You think that unsound ?

A.—Yes.

Q.—Would you like wider powers ?

A.—Yes.

Q.—I don't want to go into the details of the case but I see that on one occasion a question arose—I am referring to paragraph 121 of your statement at the end—a question arose which concerned two departments. Did you ask for a joint meeting about that ?

A.—Well, I was not consulted. Prosecutions had been instituted and it was no use to have a consultation afterwards.

Q.—In other words action was taken before you could be consulted. But if this was not so, would you have asked for a joint sitting ?

A.—Yes.

Q.—Did you complain to His Excellency afterwards ?

A.—Yes : I put it on record and I believe all such records were sent to His Excellency.

Q.—Where two departments are concerned it is a rule that there should be a joint consultation. That is provided for by the rules ?

A.—Yes, but what they said was this was a matter which did not concern two departments.

Q.—That is a matter for the Governor's decision ?

A.—Yes, but the Executive Member had already acted on his own responsibility. He passed the orders, the prosecutions were instituted, and the Governor or the Minister had no voice.

Q.—It is not my suggestion that anything arises on this particular case. My point is in a matter where two departments are concerned the rules do provide for joint consultation ; and if a joint consultation is not secured, that is not the fault of the rules but the administration of the rules ?

A.—As I read the rules, the rules mean that if in any particular case two departments are concerned then joint consultation is provided for.

Q.—That is not in the rules themselves but in the administration of the rules ?

A.—In the rules themselves also. The rules do not provide for joint consultation regarding something which arises out of one department and which ostensibly belong, to another department. For instance it was said that as soon as the election were over the ministers' jurisdiction ceased.

Q.—My question was not with regard to this particular case. What I say is had the rules been faulty they would not involve joint consultation in a case such as I state where two departments—whether transferred or reserved—are concerned ?

A.—Yes, but the Executive Councillors may choose to treat a particular case as belonging to one reserved department in his charge.

Q.—But the decision whether a subject belongs to one department or another rests with the Governor ?

A.—In that particular case ?

Q.—In all cases.

A.—But in this particular case the two cases were dealt with separately.

Q.—That is to say, it is a defect in the administration and not in the rules. That is all I mean ?

A.—Yes.

Sir Muhammad Shafi.—*Q.*—Mr. Kelkar, you were a member of the pre-Reform Council. What constituency did you represent ?

A.—I represented two constituencies in the pre-Reform Councils. In the first Council from 1914 to 1917, I represented the district boards of the southern districts in the Central Provinces. In the second Council, from 1917 to 1920, I represented the landholding classes.

Q.—That means that you were a member of the Central Provinces Legislative Council for 9 years ?

A.—Yes, altogether.

Q.—You have told us that you would abolish Moslem electorates ?

A.—Communal electorates generally.

Q.—You would abolish separate Moslem electorates ?

A.—I do not say Moslem electorates ; even if you give it to Mahratta Brahmins I would abolish it.

Q.—What do you mean by the abolition of communal representation ?

A.—I mean the representation of special communities.

Q.—You have stated in answer to a question by the Chairman, that you would abolish separate Moslem electorates.

A.—I did not mean it in that way, and if I gave that impression I would correct it now. I would say that I am entirely opposed to communal representation.

(*Mr. Chairman*).—What I said was that the only communal representation in the Central Provinces was Muhammadan, would you abolish that ?

Q.—And you said yes. Do you stick to that view ?

A.—Yes,

Q.—How do you propose to secure Muhammadan representation in the Council ?

A.—Through the general constituencies.

Q.—Looking at the number of electors in your Province I find that there was no separate Moslem electorate, the number of Hindus being electors. Do you think that in that state of things any Muhammadan would have any chance of being elected to your Council ?

A.—Yes, I believe so.

Q.—Assuming that the electorates were what you call general and there was no separate Moslem electorate, the number of Hindus being what I have stated, do you think any Muhammadan would have a chance of being elected to your Provincial Council ?

A.—I think so. Having regard to the state of political feeling I think the Muhammadans have every chance now ; and if I may be permitted to add, if you look at some of our municipal elections in the Central Provinces you will find that Muhammadans have sometimes been elected in preference to Hindu candidates, although in the particular cases I have in mind the number of Muhammadan voters was much smaller than that of Hindu or non-Muhammadan voters.

Q.—Can you give any instances ?

A.—Yes, the Bhandaran Municipal elections. In Jubbulpore also Muhammadans were elected. I am talking now of municipal elections.

Q.—Let us have something definite. Of what Municipality were you yourself a member ?

A.—Balaghat, which is one of the districts in the Central Provinces.

Q.—Is the electorate there mixed or separate ?

A.—Mixed for municipal elections.

Q.—How many elected members are there on that Municipal Board ?

A.—Now 10.

Q.—Out of those 10 how many are Muhammadans ?

A.—One. He was the only candidate who stood for election and he succeeded. He was opposed by a Hindu.

Q.—Who was he ?

A.—He was the agent of some Malguzars—that is, an agent of a landholder.

Q.—Of the principal landholder there ?

A.—Not principal.

Q.—One of the principal malguzars ?

A.—I do not think so. He is not principal malguzar.

Q.—Who was the rival Hindu candidate ?

A.—A pleader.

Q.—On what district council were you ?

A.—Balaghat.

Q.—How many elected members were on that district council ?

A.—Before the reforms or after the reforms because you must make a distinction.

Q.—I am now thinking of the reform period, not before the reforms.

A.—Well, that is very material. I may be permitted to explain that in the Central Provinces in the district councils only Malguzars had representation by election, and a few trading classes, before the Central Provinces Local Self-Government Act was amended in 1920. The rules under the Act were framed towards the end of 1921 and the first elections under the new Act took place in 1922-23.

Q.—Well, I am speaking of the 1922-23 elections. How many elected members were there on this Council ?

A.—It was a mixed electorate.

Q.—I said how many elected members were there on this new Council ?

A.—There are 22 district councils.

Q.—I mean your district council ?

A.—In the Balaghat District Council ? I cannot tell from memory but probably 24.

Q.—Was there any Muhammadan among the 24 ?

A.—I don't know.

Q.—So far as you know was there a Muhammadan member on that district council ?

A.—Not elected to my knowledge but probably nobody stood for election.

Q.—Do the Muhammadans in your Province insist on having separate electorates ?

A.—Yes, that is what I gather to be the feeling. Because Muhammadans in other Provinces claim separate representation, the Muhammadans of the Central Provinces also want that.

Q.—That is a reason. Mine was a question of fact. I did not ask for reason. Now do the landholders of your Province want separate election, do they insist on having separate election ?

A.—They wanted it in the pre-reform days but I am not sure if they want one now.

Q.—In paragraph 12 of your memorandum there is a sentence with reference to which the Chairman put one or two questions. I want to ask you a general question with regard to that sentence. You say "Very few non-official care to avail themselves of official training and experience." Kindly explain what exactly you mean by that statement ?

A.—That is to say, whatever is stated by the officials, they do not regard it as advice necessary for their guidance in conducting the affairs of the Legislative Council.

Q.—In paragraph 15 of your statement you enumerate the four steps which you consider essential. In paragraph 16 you go on to say "If these points fail to receive immediate consideration and if the Councils are not reconstructed on the lines suggested above I think it is worse than useless to think of further political advance or to talk about representative and responsible government." Is it your opinion that unless these four points are conceded, you would have no further political advance ?

A.—That is not what I mean, but that even if you give further political rights they won't be of much consequence.

Q.—What do you mean by representative government in this sentence ?

A.—Representative government means a government which represents the views of the general body of tax payers.

Q.—Then you think that although communities may have a stake in the country, although they may be numerically, comparatively in a minority and even though they may not have any separate representation at all, yet you can have representation in spite of it ? What is meant by "they are not sufficiently strong or numerically strong ?"

A.—According to my view there is not a single community in the whole country which is not a minority. For instance I do not understand how the Hindus and Muhammadans in Muhammadan constituencies and non-Muhammadan constituencies are constituted.

Q.—I give you an example. There is the non-official European community in India. They have a material stake in the country ?

A.—Yes.

Q.—Do you think that a Government can be said to be representative if it has no non-official European member on the Legislature ?

A.—It is not representative if they do not come through elections—but if they come through general elections, there is nothing to prevent them from doing so.

Q.—In paragraph 26 you have stated that the opposition to the Ministers may be minimised by selecting the Ministers out of a panel suggested by you. In reply to a question put to you by the Chairman you said that the power of selection of course would rest with the Governor. The question I want to put to you is this. Assuming in the Central Provinces Legislative Council that the majority of the elected members belong to a particular community, is it not probable that the panel elected by them will belong to that particular community ?

A.—Not necessarily.

Q.—I did not say that that will be invariably the case. I said is it not probable that the panel would belong to that particular community ?

A.—It is very difficult to answer what is probable and what is not probable, but I think having regard to the political awakening in the country now, it is not probable.

Q.—In paragraph 34 you have stated that the Executive Councillors did not take you into their confidence even in regard to important administrative matters and consequently although you were expected to influence the votes of Council members on any debate you confess you did not do so wholeheartedly. I would like to ask you this question. Did you in the administration of the transferred subjects in your charge take the Executive Councillors into your confidence ?

A.—Yes. I can say that confidently.

Q.—Did you consult them on questions of policy ?

A.—Yes.

Q.—They did not reciprocate ?

A.—No.

Q.—In paragraph 49 you say, " Ordinarily, the Executive Councillor's decision is binding on the Governor who can overrule it only under the circumstances... ", and you refer subsequently to the rule which makes it necessary for the Ministers to submit cases of importance to the Governor. Does not that rule apply equally to the Executive Councillors ? Are not the Executive Councillors also bound to submit cases of importance to the Governor ?

A.—Yes. The rule may be applicable to the Executive Councillor, but in dealing with the case submitted by the Executive Councillor the Governor has to abide by the provisions contained in section 50 (2), while in dealing with a case submitted by the Minister he is not necessarily bound by that rule. There is a difference in the rule and the provisions contained in the Act.

Q.—May I invite your attention to section 52 sub-section (3) of the Government of India Act. You have yourself made a distinction under the rules between cases of minor and those of major importance. In cases of minor importance the Minister has the final word ?

A.—Yes.

Q.—It is only in cases of major importance that you had to submit cases to the Governor ? Is it not so ?

A.—Well, who is to decide which is a case of minor importance and which one is of major importance—whether the Ministers or the Heads of Departments or Secretaries.

Q.—Would it not be for the disposing authority in the first instance to decide what was a case of minor importance and what was a case of major importance ? That is to say, the case first goes to the Minister. If it be the opinion of the Minister that the case is one of minor importance, he disposes of it himself. If he is of opinion that the case is one of major importance he submits it to the Governor. Is not that ordinarily the case ?

A.—I do not quite follow you. What I mean is that the Minister, at least I, considered every case to be within my cognisance, and so long as I considered that any case was within my cognisance it was immaterial for

my purpose whether others thought it to be of major importance or of minor importance.

Q.—Exactly. Then if you considered the case to be within your own cognisance, you disposed of it, no matter what others thought. It is only cases which you considered were of major importance that you submitted to the Governor. Now, kindly turn to sub-section (3) of section 52. In relation to the transferred subjects the Governor shall be guided by the advice of Ministers unless he sees sufficient reasons and so on. Bearing in mind the meaning which is attached to the word 'shall', does not the section mean that ordinarily the Governor is bound by the advice of the Minister? It is only in exceptional cases that he would, for reasons stated in the section, overrule the Minister?

A.—What I think is that the first part of that sub-section is materially modified by the second part of that sub-section. Although the first part of that sub-section is a very positive statement of law, the second part of it materially qualifies it.

Q.—Of course, it qualifies it, but in exceptional cases. It shows that the correct reading of the section is that it is only in exceptional cases and ordinarily the Governor shall abide by the Minister's advice.

A.—Yes. Why is the distinction made between section 52 and section 50 (2)?

Q.—The Committee will no doubt discuss that at the proper stage. At present we only want information. In paragraph 95 you say that "the rules above referred to debar Local Governments from creating or abolishing posts." You see for yourself that that is a very general statement to make. Would you like to qualify it in any way?

A.—Posts of the kind mentioned in the rule—that is what it means obviously.

Q.—You mean posts ordinarily held by members of the All-India Services?

A.—Yes.

Q.—Of course, the Local Governments have the power to abolish or create posts in what are called Provincial Services and Subordinate Services.

A.—Yes.

Q.—In paragraph 97, last sentence, you say, "This is a source of irritation in the past and is likely to be so in the future if the distinction between the reserved and transferred subjects is maintained." What is your exact suggestion in this sentence?

A.—That is about the Public Works Department. I was dealing with the Public Works Department.

Q.—In the Public Works one part is transferred and one part is reserved. Irrigation is reserved and the other branch is transferred. But what I wish to ask you is this, what exactly is your suggestion in that sentence? Would you remove the distinction by making the transferred subjects reserved, or would you remove that distinction by making the reserved subjects transferred?

A.—That is not what is meant by it. What is meant by it is that although roads and buildings are a transferred subject, so far as buildings are concerned, the Ministers have got no administrative functions provided

such buildings do not appertain to the particular department of which he is in charge. That is how it is construed, and I objected to that, and said that so far as buildings were concerned, the Minister must have administrative power also.

Q.—In paragraph 99 you say, "Ministers cannot enforce any disciplinary measures against such officers nor do the Ministers possess the power of posting such officers to places desired by them (Ministers)." Can you mention to the Committee any rule which prevents Ministers from doing so ?

A.—About All-India Services Officers.

(*Mr. Chairman*).—*Q.*—You mean All-India Service Officers ?

A.—Yes. All such orders—I do not call it orders. I call them mere recommendations or suggestions by the Minister and as such they must receive the final approval of the Governor.

Q.—Are you speaking of any rule precluding Ministers from passing orders in question, or are you referring to practice ?

A.—That is how I read the rule—I believe it is rule no. 10.

(*Mr. Chairman*).—It is rule 10 (*b*).

Q.—In paragraph 108 of your statement you make a suggestion. "In the interest of stability and to avoid hardship in individual cases and to give the Council more effective control over department expenditure it would, I think, be better if the strength of each department and scales of salaries of different cadres were fixed by an Act of the legislature." Do you mean by an Act of the Indian Legislature, or by an Act of the Provincial Legislature in the Province concerned ?

A.—Provincial Legislature, for every Province must be at liberty to fix its own cadre and fix its own terms of service.

Q.—In paragraph 117 you summarise your proposals. In proposal (*f*) you say, "The distinction between 'reserved' and 'transferred' subjects may be abolished and all subjects may be transferred." For that you realise that an amendment of the Act would be necessary ?

A.—Yes.

Q.—All the remaining suggestions that you have put forward can be carried out without amendment of the Act ?

A.—That is a very technical question. It is for the lawyers to say whether that can be done without the amendment of the Act or not. But as a layman I may say that the amendment of the Act in certain respects may be necessary.

Q.—In your memorandum you have given us mainly your ideas about the Provincial Governments. It has nothing to do with the Central Government ?

A.—No.

Q.—What is your opinion about the question of the restriction or relaxation of the Secretary of State's control over the Central Government ?

A.—That ought to be relaxed and the Indian Government must be subject to the Indian Legislature.

Q.—In all matters ?

A.—I think logically in all matters but as a matter of practical politics I may concede for the present that Army may be excluded, but later on it will be necessary.

Q.—What about foreign affairs ?

A.—Yes, foreign affairs also.

Q.—You remember the recommendation of the Joint Parliamentary Committee, that where the executive government and the legislature, whether of the Central Government or of the provinces, agree, ordinarily the control of the higher authorities should not be exercised ?

A.—There is that recommendation of the Joint Committee.

Q.—Are you in favour of leaving it at that or would you frame a rule under the Government of India Act to that effect ?

A.—To what effect ?

Q.—Would you leave it merely as a recommendation or would you frame a definite proposal under the rule-making power to that effect ?

A.—Whether it is a mere recommendation or whether it is embodied in a rule, I believe for all practical purposes the recommendation or the rule would be a mere pious provision. As a matter of fact we find that the executive government and the legislative council often differ from each other. It is only on very rare occasions that they agree.

Q.—But on those rare occasions on which they agree are you in favour of restricting the Secretary of State's control ?

A.—Of course it must be so.

Q.—You are in favour ?

A.—Yes.

Q.—My point is this. Would you leave that to a mere convention or would you frame a rule under the rule-making power embodied in the Government of India Act to that effect, assuming that the cases are rare ?

A.—As I am at present advised I am inclined to think that a rule would be more effective than a mere recommendation contained in the Joint Committee's report.

Q.—You have said that excepting foreign affairs and the army, you would make the Government of India responsible to the legislature ?

A.—In all civil matters.

Q.—Would you apply this rule that you say ought to be framed in those rare cases in which the legislature and the executive government are in agreement to questions relating to army and foreign affairs ?

A.—Am I to understand that the rule which you propose should be applicable only to the civil administration ?

Q.—My question is very clear. You have just now said that in your view the Secretary of State's control over internal affairs ought to be removed and that the Government of India should be made responsible to the Central Legislature except in cases relating to army and foreign affairs. My question was, ought the rule which you say must be framed, that where the executive government and the legislature agree the Secretary of State's control ought to be relaxed or restricted, to apply to matters concerning the army and foreign affairs ?

A.—Such a rule would be relevant only in those cases where the control is not transferred to the Legislature. In the other cases it would not be relevant.

Mr. M. A. Jinnah.—*Q.*—Mr. Kelkar, what do you mean by saying that the army should be excluded ?

A.—I mean expenditure on the army up to a certain limit. For instance it may be fixed in the first instance that the expenditure on the army should be 20 crores or 50 crores. Beyond that limit, the Government of India must be subject to the control of the Legislature.

Q.—You mean to say that certain amount of expenditure should be votable by the Legislature ?

A.—Yes.

Q.—You do not exclude the army to that extent from the purview of the Legislature ?

A.—No.

Q.—Anything else ?

A.—Not that I can think of at present.

Q.—Have you considered this question ?

A.—No.

Q.—Have you considered how the army is established in this country ?

A.—No. Of course I have got a general idea but not more than that.

Q.—You just now said that a certain portion of the army expenditure should be subject to the control of the legislature ?

A.—Yes.

Q.—Would you also give any power to the legislature to have any control over the organisation or the reorganisation of the army ?

A.—That means you give the whole control to the legislature.

Q.—You would not give any control over the organisation or the reorganisation ?

A.—It is very difficult to answer that question.

Q.—You have not considered that question ?

A.—No.

Q.—Would you give any voice to the legislature in the actual military administration ?

A.—Voice I would certainly give.

Q.—How ?

A.—By saying that the budget should not exceed a certain figure.

Q.—That is purely on the financial side ?

A.—Yes.

Q.—I am referring to the practical administration ?

A.—That would be by means of Resolutions. That is the only method.

Q.—That would not be binding ?

A.—It would be a voice only.

Q.—You said you want some sort of voice or control in the actual civil administration. Do you suggest there should be any control of the legislature over the military administration ?

A.—As I have said I came here prepared, to make only general statements. As a matter of practical politics army may for the present be excluded from the operation of the general rule which I have laid down. I cannot give you any useful advice on the other matters just now.

Q.—What I want to know is this. You know that home defence is certainly essential for home rule ?

A.—It is.

Q.—You say that the army should be excluded. Do you think that some scheme is necessary which will give you sufficient training and qualifications to take over the defence of the country ?

A.—Yes, certainly that is necessary.

Q.—Suppose you exclude the army, what happens to it ?

A.—I said, exclude the army for the present as a matter of practical politics.

Q.—And leave it to what ?

A.—And leave it for some time till the other civil administration is brought under the control of the legislature. Then take over the question of the army. I do not mean to say that the army should be excluded permanently or for all time.

Q.—With regard to the separate communal electorates, I think you said that at present generally the Muhammadan community is in favour of separate electorates ?

A.—Yes.

Q.—And would you be prepared to go against that view ?

A.—Yes.

Q.—Would you force the Muhammadan community to give up the separate electorates, if the bulk of the Muhammadans desire to continue them ?

A.—Yes, I would ask them to do it.

Q.—Would you force them ?

A.—I would force them if it is necessary.

Q.—Against the wish of the bulk of the Mussalmans ?

A.—Yes.

Q.—We are not concerned with the wisdom of the thing. Supposing the Muhammadans all over India think that for the present they must have separate electorates, you would force them to give it up by legislation ?

A.—Yes.

Q.—How would you force them ?

A.—I would repeal the present rule and have a general electorate only. Let them take part in the general elections.

Q.—You will have common electoral rolls ?

A.—Yes.

Q.—There would be no provision in the common electoral rules even if the Muhammandans fail to secure a certain number of representatives ?

A.—No.

Q.—Do you understand my question ?

A.—Yes.

Q.—That is the system that you will advocate ?

A.—Yes.

Q.—So far as your province is concerned, you said the electorate or a large portion of it is not literate. Do you think that that electorate is capable of returning competent representatives to the legislature at present ?

A.—Yes, if my suggestion is accepted, then only competent people would stand.

Q.—I am speaking about the voters, not the candidates ?

A.—The electorate is being qualified and they are learning by mistakes.

Q.—Please answer my question. What is your opinion at present ? You have been an administrator for three years. I want to know from you whether your province has got electorates which are sufficiently qualified and able to return proper representatives to the legislature. That is to say representatives who would have sufficient calibre to carry on Government if responsibility is thrown on them ?

A.—That view was never placed before the electors. They always talked about Swaraj.

Q.—I am not asking about Swaraj or other political issues.

A.—I understand your point. What I mean is that they understand the view, the particular view which is placed before them and they are able to exercise their votes in favour of that particular view.

Q.—Then they can give an intelligent judgment ?

A.—Yes.

Q.—Never mind the present politics. What I want to know is can they exercise an intelligent judgment, the electors as they are ?

A.—On any definite political issue or on the consequences of their actions ?

Q.—Yes.

A.—I think I have made it quite clear in my note that they are not in a position to express any definite opinion on any political issues.

Q.—They are incompetent ?

A.—You may take it as you like. My note is there. What I have said in my note I have made very clear, that at present they are not in a position to pronounce any definite opinion on any definite political issues or to understand the consequences of what would happen if they returned A, B or C.

Q.—In that case do you advocate the transfer of all subjects ?

A.—Yes.

Q.—Why ?

A.—If there is any justification in transferring certain subjects, there is justification in transferring other subjects also. I attach more importance to the subjects which are at present transferred than to those which are reserved.

Q.—Then according to you if all the subjects were transferred, the legislature would be quite competent to carry on ?

A.—Yes, if the responsibility is thrown on the Legislature.

Q.—Then according to you the electors can send representatives who would be able to carry on the government satisfactorily ?

A.—Subject to that qualification.

Q.—What qualification ?

A.—The qualification of the candidates.

Q.—Subject to this, that the candidate must have certain additional higher qualifications ?

A.—Yes.

Q.—What should the candidates do ? Pass an examination or should they have administrative experience ?

A.—Administrative experience.

Q.—Who will decide whether they have administrative experience or not ? It will be a qualification.

A.—If a man has served on a local body say for 3 years.

Q.—Who will decide that ?

A.—That is what I am telling. If a man has served for a local body say for 5 years you can safely assume that he has got administrative experience.

Q.—Who is to assume ?

A.—That is the test I would apply.

Q.—Do you mean to say that if his nomination is sent in he will save to say he has such and such experience ? What qualification would you lay down ? Let us have that first ?

A.—That he should have worked as a member of a local body for 5 or 10 years.

Q.—One qualification would be that he should have been a member of a local body for 5 or 10 years ?

A.—Yes, that gives you administrative experience.

Q.—Let us have all the qualifications ?

A.—Then, certain educational qualifications, for instance a graduate of a University or a member of some learned profession.

Q.—He must be at least a graduate of a University ?

A.—Or a member of the legal profession or medical or other learned profession. That is the educational qualification.

Q.—Anything else ?

A.—Nothing else.

Q.—You will lay down two qualifications, one educational, that is to say he must have obtained some degree, or he should belong to certain profession, and further if he does not possess educational qualifications, he must have served for 5 years in a local board. Is that correct ?

A.—Not in the alternative, but both together.

Q.—He must have served a local board for 5 years *plus* his educational qualifications ?

A.—Yes.

Q.—And unless he has both, that would not be ?

A.—No.

Q.—Under that scheme, will the Right Honourable Mr. Sastri be qualified as a candidate ?

A.—I do not know.

Q.—Have you considered that ?

A.—I do not know that. But cases of that kind must be rare. Hard cases do not make bad laws.

Q.—Have you considered how many will be excluded if you impose 5 years' service in a local board and also educational qualifications ?

A.—If you will look at my note you will see that if the general principles are accepted it will not be difficult to frame rules. This will have to be examined further as I have said in my note.

Q.—Now, provided the candidates have certain qualifications, you think that your province is ready for complete provincial autonomy ?

A.—That is my view.

Q.—You know that that requires a drastic amendment of the constitution ?

A.—Yes.

Q.—Do you advocate the amendment of the constitution at once ?

A.—Yes.

Q.—I do not quite follow your summary. Are you in favour of this system of dyarchy continuing if certain improvements and amendments are possible within the Act ? Are you in favour of that ?

A.—No, not at all. I am not at all in favour of dyarchy. It must be done away with.

Q.—Not dyarchy as it stands, but dyarchy *plus* this, that certain improvements are made, certain imperfections and certain defects are removed, such as several that you have pointed out. Supposing those defects were rectified, would you accept the system of dyarchy and work it ?

A.—I would not accept dyarchy, No.

Q.—I want to know your opinion ?

A.—I would not accept dyarchy.

Q.—And you would not work it ? You think it will not work satisfactorily ?

A.—No, it would not work. Past experience has shown that even if improvements are made it would not work.

Q.—Past experience has shown that even with all the improvements which you have suggested it would not work ?

A.—No.

Q.—You were appointed a Minister ?

A.—Yes.

Q.—When you were appointed a Minister, did you command a majority of the votes of the representatives in your council ?

A.—It is too big an order for me to answer, but I believe that I did.

Q.—What did you find in practice ?

A.—In practice except on one or two occasions it worked well.

Q.—I am not asking about the working. Your relations might have been very pleasant. Did you command the support of the representatives of your council ?

A.—On the majority of the occasions.

Q.—To whom were you responsible really as a Minister ?

A.—I considered myself responsible to the Legislative Council. But since I was appointed by the Governor, I had to consider myself responsible to the Governor also.

Q.—Then you were between the devil and the deep sea ?

A.—I have said so. It is quite clear in the note which I have written. I had to please two masters, the Governor and the Legislative Council.

Q.—You do not want to repeat that experiment ?

A.—No.

Q.—Do I understand this correctly ? So far as the transferred subjects are concerned, this is what you say in your summary : " If the distinction between " reserved " and " transferred " subjects is retained, then let the transfer be real and not nominal. The Ministers should not be mere advisers to the Governor but they must be real administrators responsible both for policies as well as for details." Responsible to whom ?

A.—To the Legislative Council.

Q.—Then do I understand from that when you say that the transfer should not be nominal that for all practical purposes it is the Governor who really has charge of these subjects ; neither the Minister nor the Legislature has a voice in the matter ?

A.—Yes, that is what I understand from the wording of section 52.

Q.—For all practical purposes it is the Governor who really runs these departments ?

A.—He is the ultimate authority.

Q.—As the ultimate authority the Governor runs the departments. The Minister is merely an adviser and the Legislature cannot do very much ?

A.—That is correct.

Dr. R. P. Paranjpye.—*Q.*—Rao Bahadur Kelkar, you spoke about electorates and you appear to be very strong about having a proper electorate. Do you think it is impossible to have a representative Government without having a very large electorate ?

A.—In the ideal sense it is perhaps not, but we have to go on. We cannot stop.

Q.—Perhaps you have read a little bit of history of England ?

A.—Yes.

Q.—And you can tell us whether in the earlier stages of representative government in England the electorates were so very vast ; before the Reform Bill of 1832, for instance, what was the proportion of the voters in England ?

A.—I could not give you the figures, but it was small.

Q.—You know it was very small ?

A.—Yes.

Q.—And that by successive Reforms Bills, the electorates have been greatly increased and it is only during the last 3 or 4 years that the electorates are 15 to 20 per cent. of the total population ?

A.—Yes.

Q.—So that you can conceive of cases where even if the electorate is comparatively small it is possible to have responsible government ?

A.—Yes.

Q.—You talked about communal representation and the depressed classes. Can you tell us from your experience of 3 years' working of the

Legislative Council whether in the councils any law has been passed or whether any resolutions have been passed which had special reference to the interests of the advanced classes and which were detrimental to the interests of the unrepresented classes ?

A.—No such law has been passed. On the contrary a resolution has been passed by the advanced classes which is in favour of the depressed classes.

Q.—I believe you were responsible for passing a Primary Education Act in the Central Provinces ?

A.—It was not in my time as Minister. But when I was an ordinary Member of the Council that Primary Education Act was passed.

Q.—But you were thinking of further extension of the Primary Education Act ?

A.—Yes. In fact, the rules under the Act were framed by me.

Q.—For whose interests these extensions were meant ? Were they in the interests of the people who were actual voters or in the interests of the people who were not voters ?

A.—They were in the interests of the masses.

Q.—That is to say, persons who were not ordinary voters ?

A.—Yes.

Q.—Particularly, for instance, they were in the interests of the depressed classes, seeing that they have the greatest amount of illiteracy ?

A.—They were in the interests of practically all the classes in the Central Provinces. Most of the classes, for instance, labouring classes and the agricultural classes, in the Central Provinces are illiterate.

Q.—Now let us come to another point. What is the proportion of the voters who can read and write ?

A.—You mean the proportion of 1,39,000 voters. It is very difficult to give the exact figure. I am not a mathematician.

(*Mr. Chairman.*—We have got this proportion in the Local Government's statement and we should take it to be correct.)

Q.—Don't you think that even with the small electorate the present tendency is to legislate in favour of the classes which they represent and not in favour of the unrepresented majority ?

A.—Not at all. On the contrary the tendency is more in favour of illiterate and the poor.

Q.—Although you appear to lay such great stress upon having a very vast illiterate electorate, it is not an insuperable difficulty for the moment ?

A.—For the moment it is not.

Q.—You think that the Councils will take proper care to see that the masses are educated and are brought up to the proper level. You think that it is possible to have a representative Government even with a comparatively small proportion of the population ?

A.—Yes.

Q.—Then I go on to your opinion about communal electorates. What proportion of population in the Central Provinces is Muhammadan ?

A.—The proportion is about 4 per cent. taking the Central Provinces and the Berar together.

Q.—What is the total number of elected members in your Council ?

A.—54.

Q.—So that at this rate the proper proportion of Muhammadans in the Council ought to be about 2 to 3. Do you think it is possible to get at least this number of Muhammadan representation by means of general electorate ?

A.—It is possible.

Q.—What is the total number now of Muhammadan members ?

A.—Seven.

Q.—All of them are elected ?

A.—Yes.

Q.—None is nominated ?

A.—One is nominated.

Q.—And you do not think that there would be 7 elected ?

A.—There are seven Muhammadan elected members.

Q.—In the old Councils before the Reforms Scheme came into force, when there was hardly any representation, do you remember of any case in which any Muhammadan was returned as a Member of the Central Provinces Legislative Council ?

(*Witness could not reply*).

Q.—You have been very thorough in your opinion that there should be no communal electorates. So you would not even mind if there are no representatives of minorities. Don't you think it would a better state of things to have all classes represented in your Council ? I mean all interests should have, at any rate, a chance of being heard ?

A.—Yes, all interests but not all classes.

Q.—After all communities apparently in our country to a certain extent form interests, at least they have a tendency to form interests ?

A.—I do not know that.

Q.—Have you ever thought of an alternative by which, on a common electorate, it is possible to get these various interests represented by means, for instance, of multi-number constituencies or proportional representation or anything of that kind ?

A.—At one time I considered this question and I thought that the members of a particular community can be elected by a joint electorate.

Q.—At present we have one member constituency, and the majority will have their representatives. But suppose there are large constituencies electing 4 members. It is possible, for instance, for a number of voters slightly exceeding one-fifth to get a member to be their representative.

A.—Yes, it is quite possible.

Q.—It is absolutely certain that they will get a representative ?

A.—Yes.

Q.—There will be constituencies extending over three or four districts, but supposing we have.....

A.—I should like to have a clear statement of facts, before you expect me to reply to this question. We are rather confusing the real issue. Supposing there are several communities. Take the city of Nagpur for instance. There are several communities residing in that town. The

Brahmin community is in a minority there. But still at the last election it was the Brahmins who were elected there.

Q.—And no other ?

A.—No other.

(*Mr. Chairman*).—*Q.*—The proposal is that you should have a very large constituency returning 4 members in order to secure minority representation ?

A.—In the Central Provinces only one constituency is a plural constituency. All other constituencies are single man constituencies ?

(*Mr. Chairman*).—*Q.*—But if they were plural constituencies ?

A.—Then it will mean that you will have to put several districts together. I do not think that system will work well. It will cause confusion and will be very expensive.

(*Mr. Chairman*).—*Q.*—Such a constituency will be very large ; or, in other words, the Council will have to be very large ?

A.—Yes.

Q.—Now I shall ask you about your proposal for the qualifications of membership. All my other colleagues have also asked you questions about this subject, What do you mean by administrative experience ? Do you consider the experience on local bodies the only possible administrative experience ?

A.—Not necessarily.

Q.—I suppose your experience as a Director of Co-operative Societies would be supposed to be an administrative experience ?

A.—Yes.

Q.—Would you consider a man like myself who is the head of a college to have administrative experience ?

A.—I do not know what administrative experience you have had.

Q.—Would you consider a large landholder who is managing an estate which brings him an income of, say, Rs. 25 lakhs a year to have an administrative experience ?

A.—No. I will not consider him to be a good administrator because he administers the affairs of an estate which yields him an income of 25 lakhs of rupees per annum. This sort of experience is quite different from the experience of administering public affairs.

Q.—You would therefore practically confine your administrative experience to an experience on local bodies ?

A.—I do not say that at all. As a general statement I would say that the working on various public avenues that are at present open to Indians is an administrative experience.

Q.—What other public offices would there be ?

A.—The Co-operative Societies and the local bodies. That is all I can think of just at present.

(*Sir Muhammad Shafi*).—*Q.*—Retired District officers, for instance ?

A.—Yes.

Q.—So according to you the holding of a Government post would be an administrative experience but the managing of a college would not be ?

A.—I have never said that.

Q.—You suggested that Ministers should not be really practically nominated by the Governor but the Legislative Council should have something to do with their appointment. Your suggestion was that they should be appointed out of a panel. What do you think of a proposal like this. The Governor may first of all nominate the Ministers, but as soon as they meet their Legislative Council for the first occasion the first motion that should be placed before the Legislative Council should be a motion of confidence in the Ministers ?

A.—It comes to the same thing.

Q.—If they do not get this vote of confidence they should immediately resign ?

A.—If a vote of confidence is passed then it is distinct evidence of the fact that the Ministers do enjoy the confidence of the Council. But if the Council sits quiet and does not pass either a vote of confidence or a vote of censure, then we may assume that the Ministers do enjoy the confidence of the House.

Q.—You have further considered that the three years period is too small a period and that you want the duration of the Council to be extended to five years ?

A.—Yes.

Q.—What is your particular reason for it ? Is it because the Executive Councillors are appointed for a period of five years ?

A.—Yes, that is one of the reasons. The other reason is that the Ministers do require some time to understand the administrative machinery and if they want to make any radical changes or some substantial changes they must have time. They do require some time to consult public opinion and to gain the confidence of the public.

Q.—Your idea is that if they pass any measures in the third year they would like to put them into actual practice in the next two years if they are getting on well with their Council.

A.—Yes. At present however the Ministers do very little in their third year because they are busy with their own election.

Q.—What was your experience of Council Secretaries in the Central Provinces ?

A.—I have already mentioned in my note that my experience about Council Secretaries is not quite hopeful.

Q.—Then why do you advocate the retention of the Council Secretaries ?

A.—The reasons given for their retention are quite different. I think if proper remuneration is given to the Council Secretaries they would be very helpful.

Q.—What were they paid in your province ?

A.—In the beginning the pay was fixed at Rs. 250 a month each. This was afterwards reduced to a handsome figure of Rs. 2 per diem. You cannot expect a business man or an intelligent man to work as Council Secretary for this sum.

Q.—You make a great point of the fact that Ministers were not taken into confidence with reference to reserved subjects and still Ministers had to suffer unpopularity. Can you suggest any remedies for this ?

A.—There should be general consultation.

Q.—Were you shown all the papers with regard to reserved cases ?

A.—No.

Q.—So whenever you were asked for your opinion in a Cabinet meeting about reserved subjects you had to give it on the spur of the moment ?

A.—In some cases we were shown the files.

(*Mr. Chairman*).—*Q.*—When there was a joint meeting, were you shown all the papers with regard to the joint meeting ?

A.—Yes.

Q.—But if you wanted some other papers could you call for them ?

A.—No.

Q.—If a case was to come before you and suppose you wanted some further papers to study that case, could you call for those papers ?

A.—Not, unless it had direct connection with some case which was pending disposal before a Minister.

Q.—Did you take any steps to get over this unpopularity naturally attending upon your position ? You were considered to be a mere Government man and therefore you practically lost the character of a representative in the eyes of the public. Did you tell the people that you were not responsible for these things and so on ?

A.—No, I could not tell them that.

Q.—Why could you not ? You could easily tell them ?

A.—I took it that it would be a breach of faith on my part to expose the other half of the Government.

Q.—You could tell them, according to the constitution, this is a reserved subject and you are not responsible for it ?

A.—The natural question would be, " What did you do to influence the policy of the reserved half of the Government ? " Then I would have to tell them I did so and so in the Cabinet ; my opinion was so and so, but the other half did not mind me. That is giving away the whole case.

Q.—You have mentioned that Ministers cannot record minutes of dissent. What is the use of recording minutes of dissent ? There are certain cases which come before Government which belong to both sides, in that case did you ask for permission to record your minutes of dissent ?

A.—Yes.

Q.—Was it given to you ?

A.—No.

Q.—If there were certain communications from the Government of India about questions of policy which might be considered at a joint meeting, say, for instance upon the general question of the political situation or the general advance of the Reforms, or things like that, was your opinion taken ? You gave your opinion ?

A.—Yes.

Q.—Did you ask that your opinion be forwarded to the Government of India ?

A.—Not on those occasions.

Q.—Would it be allowed if you asked ?

A.—No. In one case I did it and I was told I had no right to do it.

Q.—You were told you had no right to send your opinion to the Government of India ?

A.—Yes, or to record it.

Q.—Did you at any time exercise your right to abstain from voting on any reserved question ?

A.—No, I did not exercise that right.

Q.—But you had that right in the Legislative Council ?

A.—There was a difference of opinion on that point, and we always took the view that to remain absent from voting practically meant that we differed from the Executive half.

Q.—You did not vote against each other, but you could abstain from voting, but you never exercised that right ?

A.—No.

Q.—Why did you not ?

A.—For this reason : I did not want to expose the other half of the Government. I was very loyal to the other half of the Government.

Q.—What were your relations with the heads of departments generally ? So far as the impression made by your note is concerned, the relations between the heads of your departments and the Secretaries were not very cordial ! They tried to get round you somehow or other ? Was it a racial question ?

A.—No, I do not think so.

Q.—In regard to questions of services in which European members were concerned ?

A.—No I do not attach any racial importance to that question ; but probably they thought this is a new man who was practising at the Bar for some time and has had no administrative experience, and why is he so very assertive.

Q.—So they were rather jealous of your going over their heads all of a sudden ?

A.—No, I do not say jealous.

Q.—They did not reconcile themselves to that position of a pleader coming in over their heads ?

A.—Probably they thought I should abide by their advice, but I do not think they were jealous.

Q.—You used to be overruled by the Governor in points of detail ?

A.—Yes.

Q.—Did you represent to His Excellency that being overruled in points of detail in this manner undermined your position very much ?

A.—Yes.

Q.—And that your position really became very undesirable ?

A.—Yes, I represented it.

Q.—You say that even in postings you were over-ruled. Did these files about postings come to you ?

A.—Yes.

Q.—And you made your minutes and your opinion was not accepted generally ? The Governor took his own point of view ?

A.—Yes.

Q.—You think this is one of the great drawbacks of your position ?

A.—That is one of the drawbacks, whether it was great or small I cannot say. But for the Governor to-interfere in details is not, I think, a very desirable position.

Q.—What is your settled policy which you mention in regard to the services in paragraph 66 ?

A.—It is only in one class of cases that there was a settled policy.

Q.—You mean settled policy on the part of the Government ?

A.—Yes. My proposals with regard to pensions, etc., were generally upset, except in one or two cases.

Q.—Did you give any reason for this upsetting of these proposals ?

A.—Yes.

Q.—Can you give us one or two instances of this ? I want to know on what grounds it was, I do not want any names. Suppose you suggested that a man should be posted to one particular division in the Educational Department ?

(*Mr. Chairman*).—If you prefer to give this evidence in private, Mr. Kelkar—(*to Mr. Paranjpye*) Do you wish to press the point ? Don't you think we had better have that in private ?

Mr. Paranjpye.—Yes, I quite agree.

Q.—You refer to the Finance Department and say in regard to loans that they would only sanction any loan which was for a remunerative purpose ? Don't you know that there is another clause to that, that if you were to establish a sinking fund for the loan, then, even if it was not remunerative, such a loan would be allowed ?

A.—Yes.

Q.—If you had a sinking fund to get rid of that loan in a short time and pay the interest from your budget, the loan would be allowed. Have you made a proposal like that ?

A.—I am not quite clear about that rule.

Q.—Look at rule 2 (*a*) sub-clause (*ii*) " If the project appears to the Governor General in Council unlikely to yield a return of not less than 6 per cent.....arrangements may be made for the amortization of the debt." Had you made a proposal like that ?

A.—My proposal was that provision should be made for redeeming this loan out of the revenues.

Q.—From your own budget ?

A.—Yes.

Q.—But still it was not sanctioned ?

A.—No.

Q.—Then in paragraph 121 where you say you had some controversy with the local Home Member, did you call for a joint meeting on that occasion ?

A.—There was no occasion to call for a joint meeting ; everything was done beforehand.

Q.—Could you call for a joint meeting under the rules ?

A.—I think the Ministers can.

Q.—Had you any occasion to call such meetings ?

A.—We did suggest it and the Governor did call for a joint meeting.

Q.—Is there any provision in the rules ?

A.—I have not been able to find it.

Q.—It is only a favour of the Governor ?

A.—I do not know if it is a favour or an unwritten right of Ministers.

Q.—Do you think the method of appointing two Ministers independently of each other is the better rule, or having one Chief Minister and asking him to appoint colleague ? Which of these two things would you recommend, either in the present dyarchy or even if dyarchy is done away with and local provincial autonomy is given ?

A.—That means the Chief Minister would be the boss of the other Ministers ? I think the position would be intolerable in that case. I would not like to work it.

Q.—You know in Madras there is a Chief Minister and he gets his colleagues ?

A.—That means the Governor sends for the man who represents the party in power and asks him to select his Colleagues. There is no objection to that. But if you say the Governor should in the first instance appoint a man as Chief Minister and then delegate to him the power of appointing his other Ministers, I think it would be open to some objection.

Q.—That would be a Cabinet. The Prime Minister is responsible for that Government and the whole Cabinet will go if any proposal sanctioned by the whole Cabinet is rejected by the Legislature ?

A.—But what do you mean by Chief Minister ? It means the other Ministers would have to act under and be subordinate to the Chief Minister ?

Q.—Their policy would have to be discussed together ?

A.—What are the functions of the Chief Minister ?

Q.—The Premier in England, what are his functions ? The same functions. One man should be asked to form his own cabinet.

A.—That means the Governor must consult the wishes of the Council.

Q.—You do not believe in the appointment of a Chief Minister or Premier ?

A.—No.

Q.—If you were asked to form the Ministry ?

A.—That is another thing.

Q.—In that way don't you think it would be possible to command always a majority in the Council, if one man selects his colleagues from such groups, that each group would command a certain number of votes and the total of those votes would be a majority in the Council ?

A.—You must appoint such number of Ministers as there are communities in the Council.

Q.—Not necessarily, but sufficient to command a majority. Suppose there are four or five groups, three would command a majority, and the Ministers should be taken from those three groups, provided they have a majority of votes in the Council ?

A.—Practically it comes to the same thing that we have to consult some of the leading members of the Council.

Q.—I would say the Governor should not consult leading people ; he should only take such men as he is able to make up his Cabinet with to command a majority in the Council. You do not agree with that ?

A.—I am not in a position to disagree with you at present because I have no practical experience of it.

Q.—Now, when you accepted your position as Minister you had certain ideas about the working of dyarchy, about the good you would be able to do and the methods in which you would work. Do you think those ideas were fulfilled during your experience of office ?

A.—That is a very general question.

Q.—I just want your general feeling only.

A.—I had certain ideas, and I have said that so far as policies were concerned I was able to go through those ideas.

Q.—Do you think even under the present rules if there had been a different spirit animating those rules in the minds of the Governor or the bureaucracy, this dyarchy would have shown better fruits ?

A.—I don't know. I cannot say. It is a very difficult question to answer ; it is very difficult to read the minds of people, what is at the back of their minds. We can only judge them by outward actions.

Q.—I mean what is your impression ?

A.—I don't think it would have worked well.

Q.—You don't think under the best circumstances dyarchy would have worked properly ?

A.—I don't think so.

(*Mr. Chairman*).—*Q.*—Although you were able to carry out your general policy ?

A.—Yes.

Q.—That is all. I merely wish to obtain a clear answer.

Sir Tej Bahadur Sapru.—*Q.*—Before you became a Minister you were known in the Province as a very keen worker in the cause of the Co-operative movement ?

A.—I hope so.

Q.—You were a Governor ?

A.—Of the Co-operative Federation, yes.

Q.—Now your work under the Co-operative Federation brought you into very direct and close touch with the village people ?

A.—Not only as a Governor but also as a worker in a bank. I was director of a bank.

Q.—Now when you were in this co-operative movement for a number of years and made an appeal to the villagers, were they able to appreciate its benefits ?

A.—Appreciate the benefits of the co-operative movement ? Yes, they were.

Q.—And do you think your work in that sphere had some educative effect on the general public so far as co-operation was concerned ?

A.—Yes.

Q.—Now when the Primary Education Bill was passed in the old Council in 1920 was that Bill a Government measure or was that Bill really a private member's measure ?

A.—A Government measure.

Q.—Now was there any opposition to that Bill in the old Council ?

A.—No, there was no opposition to the Bill. The general principles were accepted, but the non-officials wanted to improve it further.

Q.—Further than the Government went ?

A.—Yes.

Q.—In what way did the non-officials want to go further ?

A.—I was the person who moved a number of amendments.

Q.—Will you just give us a general idea ?

A.—Well, in the first place, my idea was it would not be safe in the present state of things to leave primary education only to the local bodies ; the Government must reserve to itself certain rights of forcing local bodies to introduce primary education.

Q.—Were you an advocate of compulsion ?

A.—Yes, that is, compulsion not only on the parents to send their children to school but compulsion on the local bodies to introduce compulsion.

Q.—That was your view ?

A.—Yes.

Q.—And the Government were not prepared to accept your view ?

A.—They were opposed to it.

Q.—Then when you came into office as a Minister and had to work it, were you able to give effect to your policy of compulsion more or less so far as primary education was concerned ?

A.—It could not be done because before I came into office the rules under the Act were not framed. The rules had to be framed and explained to the local bodies. The financial position had to be considered and before that was done I could not think of compulsion, because as soon as I thought of compelling the local bodies the local bodies would at once ask me for some financial support and I had no money.

Q.—Now you were in charge of primary education for three years. Will you please tell the Committee what was the state of primary education when you took office and what was the state of primary education when you came out of office ?

A.—So far as attendance at the schools was concerned the state of primary education in the province taken as a whole was much better when I accepted office. The reason was that on account of the Non-co-operation movement several children were taken out of school and it took some time to induce the parents to send them back to school. It was not due to the Minister or to dyarchy or the Legislative Council or the form of government. Non-co-operation was entirely responsible for the falling off.

Q.—Did the numbers go up again ?

A.—Yes, it has risen now.

Q.—Did you multiply the number of schools, primary schools, I mean ?

A.—There was no necessity because many of the existing schools were empty—on account of the Non-co-operation movement.

Q.—And with regard to secondary education, what was the state of things in your province ? Were you in charge of that ?

A.—Yes, I was in charge of secondary education also.

Q.—What was the state of things in your province ?

A.—There also if you look at the numbers there was a falling off in the numbers on account of the Non-co-operation movement.

Q.—But there was an upward tendency again when you left office ?

A.—Yes, in fact in some cases admission had to be refused ?

Q.—Towards the end of your official career ?

A.—Yes, in some high schools.

Q.—Why ?

A.—For want of accommodation and the boys had to go to some other schools.

Q.—You were responsible for the establishment of the Nagpur University ?

A.—Yes.

Q.—And also the High School Education Board ?

A.—Yes.

Q.—On the lines recommended by the Sadler Commission ?

A.—Yes.

Q.—And were you able to find the money for the University in your Province ?

A.—No, I did not like to wait for the money. Money would come afterwards. My first duty was to establish the University and leave it to the people to find the money.

(*Sir Muhammad Shafi*).—*Q.*—Did you actually originate the proposal for the establishment of the Nagpur University ?

Q.—Were you the author of the idea of a University there or did you borrow the idea from somebody else ?

A.—We had been thinking of establishing a University in the Central Provinces for some time.

(*Sir Muhammad Shafi*).—*Q.*—Or did you not merely carry out a proposal which has already been sanctioned by the Government of India ?

A.—Well, I do not remember exactly but the proposal for establishing a University at Nagpur had been under consideration for some time—20 years.

(*Sir Muhammad Shafi*).—*Q.*—Do you remember that the non-official representative of your province moved a Resolution in the old Imperial Legislative Council before the introduction of the Reform scheme when I was Member in charge of Education and the Government of India accepted the Resolution ?

A.—Yes, I remember that. That is what I say. The scheme had been under the consideration of Government for nearly 20 years.

Q.—But you were able to initiate the measure. Whether the Government of India favoured it or not the fact is you were able to establish the University and you held yourself financially responsible ?

A.—Yes.

Q.—You held yourself financially responsible for the measure and your measure had to come up in the ordinary way as a Bill to the Government of India for sanction ?

A.—Yes.

Q.—Well, now I should like to put you a few questions with regard to the depressed classes in your province. Will you please tell the Committee what is exactly meant by the expression " depressed classes " in your province ; who are the people comprised in that phrase ?

A.—Almost all the aborigines—the *Gonds,* the *Baigas,* the *Mahars, Chamars* and *Mehtars*—all untouchables, as they are called.

Q.—What about the *Tellis* ?

A.—Some are, some are not. The *Tellis* and the *Bharais* or carpenters are included in that category.

Q.—Now with regard to these depressed classes will you please tell the Committee what is the general feeling of the principal classes of the Indian community in your province ?

A.—It is generally in favour of elevating the depressed classes.

Q.—Is that feeling confined to any particular section of the community or is it general ?

A.—It has become general now.

Q.—Very well, I understand that there was a Resolution moved in your Council with regard to the depressed classes being allowed the privilege of drawing water from common wells.....

A.—And also for using sarais in common with other people.

Q.—Now will you please tell the Committee who moved that Resolution ?

A.—A member of the depressed classes.

Q.—Then what was the attitude of the Brahmins who were members of your Council towards that Resolution ?

A.—Well, I was placed in charge of the Resolution—I accepted that Resolution.

Q.—You are a Brahmin ?

A.—Yes.

Q.—You accepted the Resolution and it was carried ?

A.—It was carried in the Council.

Q.—Now, what was the state of voting in your Council.

A.—There was no dissenting vote.

Q.—Now let me tell you I have read references to it in the press in England saying it was the Brahmins who destroyed that Resolution, and a very eminent member entered into a controversy with me over his own signature. You were the Minister in charge and you are prepared to say that that Resolution was accepted and supported by the Hindus. Were there any dissenters from that Resolution ?

A.—One or two dissenters I believe there were.

Q.—Who were they ?

(The Chairman here suggested that the proceedings of the Central Provinces Legislative Council with regard to that Resolution might be circulated to the Committee.)

A.—If it is permissible for a witness to volunteer any information, I may say something in connection with it. That Resolution was passed but some members of the Government were opposed to it—not the Brahmin members but other members of the Government.

Q.—Were they Indians or Europeans ?

A.—Not Indians. And they put it to me in this way.—If this Resolution is accepted by Government or not opposed by Government, then there will probably be a breach of the peace, so in the interests of maintaining peace and order it would be proper not to accept the Resolution.

(*Mr. Chairman*).—It was not opposed on the ground of caste feeling but merely on the ground that it would lead to trouble ?

(*Dr. Paranjpye*).—But you were prepared to face that trouble ?

A.—I was prepared to face that trouble. I said let it come once ; we must have it because without breach of the peace we cannot have any reforms in this direction.

Q.—I do not subscribe to that, but of course, the witness is at liberty.

A.—I was responsible for the view that there would be no breach of peace. I was sure there would be no breach of peace.

Q.—Was there in fact any breach of peace after that ?

A.—No. On the contrary, I see now that some of the municipal committees have taken up that resolution very seriously, and they have also issued *ishtihars* or proclamations in their own towns prohibiting people from preventing these depressed classes taking water from the wells or using the *sarias*. Another thing is that immediately afterwards, that was probably in the month of October 1923, the Jagat Guru Sankaracharya came to Nagpur and delivered a public lecture there in the course of which he said that Central Provinces Legislative Council had done the best thing.

Q.—Am I right in assuming that so far as your province is concerned it shares the general feeling among the Hindu community in this country now in favour of the depressed classes ?

A.—Yes.

Q.—May I draw your attention to a speech made as recently as 21st July last by your Governor on this question. I will only read two or three sentences. In reply to an address presented by the *Mahars* His Excellency said, " From your address I think that your views regarding the future of your community are unduly pessimistic. During my long service I have seen a great advance among the depressed classes—an advance to my mind greater than has been made by any other community within the same period. I have known individuals of the *Mahar* community rise to positions of importance and wealth and I find them taking part in the trade of the country, and some of the most important contractors are *Mahars*. Your education is increasing rapidly, and I find a demand amongst *Mahars* for facilities for primary education.... ". He also refers to the appointment of a *Mahar* as a Naib Tahsildar. Do you generally agree with His Excellency with regard to the *Mahars* in the province ?

A.—Yes.

Q.—Do you ?

A.—Yes.

Q.—Leaving aside the *Mahars,* I will take the case of the *Chamars* in your province. What is the state of things in regard to the *Chamars* in your province ? Are they making any progress ?

A.—Not as much as *Mahars.*

Q.—But are there any strong prejudices against them also now ?

A.—No.

Q.—Will you please tell us what is the position with regard to the aborigines in your province—the *Ghonds,* the *Bhils* ?

A.—There was never any religious prejudice against them. They were not considered to be untouchables, they were never considered to be so. Although as regards some of the castes like *Powars* who refused to take water brought by them, still I do not think that there was any serious objection, on that score. They were never regarded as untouchables.

Q.—With regard to the admission of these people into the temples what is the position in your province ?

A.—In the temples there is some objection—in private temples.

Q.—In regard to public temples ?

A.—There are no public temples in the Central Provinces, *i.e.,* temples built and maintained out of public revenues.

Q.—In regard to the temples, I suppose, you as a Hindu know that there are certain castes which are not untouchables and which do not belong to the depressed classes, which too would not be allowed admission in certain classes of temples ?

A.—That is a fact.

Q.—I am talking of the Hindu community.

A.—Yes.

Q.—A man may be a non-Brahmin and he may not be a member of the depressed classes, he may not be a member of the untouchable classes, and yet he may not be allowed admission into a certain temple ?

A.—Yes.

Q.—And that would not by any means imply any social degradation in the eyes of the Hindu community ?

A.—No.

Q.—Or any one else's eyes ?

A.—No.

Q.—Therefore, am I right in assuming that you can look forward to the future of the problem of the depressed clases and untouchables with hope in the near future in your province ?

A.—Yes.

Q.—And can you say from your knowledge as a member of the Government that there was any resolution passed or anything done by members belonging to the upper classes of the Hindu community in your council which was directly detrimental to the interests of the depressed classes ?

A.—None to my knowledge.

Q.—I will now pass on to the Muhammadans in your province. You said that you would not favour any separate electorate, but I suppose you will agree with me that generally it is a sound principle that if there is

a minority that minority in the constitution should receive adequate protection. I am not talking of the ways and means by which it should be done. You do not take exception to that general principle. If there is a minority which feels that it should receive protection, it should receive protection. I want you to say whether you agree with me in that principle as a general proposition. Suppose in a particular country there is a minority which says that its interests require protection ; then do you agree with the principle that it should receive protection, or do you think that the minority should receive no protection. I am not talking of the ways or means. With that I will deal later. Do you think the principle is sound or unsound ?

A.—I think it is unsound for this reason. That means that the minority suspects the other people. There is the element of suspicion and I want to do away with the element of suspicion.

Q.—Now, Mr. Kelkar, supposing the Muhammadans of India were to tell you that the only condition on which they can come into line with you towards any scheme of reforms is that they must get their interests, whatever they may be, adequately protected, and if you are not prepared to guarantee that protection to them they would not only withhold themselves from your scheme but they would actively obstruct you. Would you rather that they obstructed you, or would you rather make a concession or whatever you may call it, in their favour so as to get along ? I put to you that proposition.

A.—I would be prepared for the latter contingency. That is to say, I would be prepared to forego all these reforms because I do not believe in these reforms and in these councils which are divided into communal compartments.

Q.—Then you would not on any account make any concession in favour of any minority ?

A.—No. If you make a concession in favour of one community, you will have to do it in the case of other communities too. A feeling of suspicion arises.

At this stage the Committee adjourned till 10-30 A.M., on Monday, the 11th August 1924.

Monday, the 11th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock. Sir Alexander Muddiman in the Chair.

Examination of Mr. Kelkar—(continued).

Sir Tej Bahadur Sapru—(*contd.*)—.—*Q.*—Mr. Kelkar, the last question that I put to you was about communal representation. Now, am I to understand that the views, which you expressed on this question on the last occasion, are your individual views or whether those views are the views of the Hindu community in the Central Provinces at large ?

A.—I have expressed them as my individual views and based them on such experience as I have been able to get during the last 3 years.

Q.—But what I want to know is whether the Hindus at large, at any rate the political classes of Hindus at large, do share your views generally speaking in the Central Provinces ?

A.—As a matter of principle they say that my view is entirely sound, but as a matter of practical politics or expediency they say that it ought not to be pressed just now.

Q.—And when you expressed your views with regard to the Hindu Muhammadan problem on the last occasion had you the Central Provinces mainly in view or did you take into consideration such provinces as, say, the United Provinces, the Punjab or Bengal where, you will agree with me, the problem is really acute ?

A.—I have heard that the feelings in the other provinces is rather more acute than in the Central Provinces, but what I say is that the poison spreads to other provinces. If it is acute in one province, it spreads to other provinces also, and then it becomes very difficult to resist.

Q.—But what I wanted to make clear was as to whether you would enforce your views only with regard to the Central Provinces or whether you would enforce your views with regard to the rest of India ?

A.—I do not know if I have got power to enforce my views.

Q.—If you could ?

A.—If I can, taking that as a hypothetical case, I think I can enforce it without offending the feelings of the Muhammadans in the Central Provinces.

Q.—You will perhaps agree with me, or you can say that you do not, that in any scheme of political advance in this country the basis of it must be Hindu Muhammadan unity.

A.—It is absolutely necessary that there must be Hindu Muhammadan unity. There must be unity not only between Hindus and Muhammadans but between all the communities. That is absolutely essential.

Q.—And if it should so happen that any particular community at the present moment, take for instance the Muhammadans, think that that unity can be promoted in a particular way, such for instance as their representation by special electorate, would you oppose the promotion of that unity in that way ?

A.—I would not do anything that is likely to oppose the progress of unity, but I believe that my method is the better of the two.

Q.—You prefer your method, but you would not oppose the other method if you think it would lead to unity ?

A.—Oh " if you think ", but I do not think so.

Q.—Any how you are quite clear about your views in this matter ?

A.—Yes, and I think that although in the beginning there might be some troubles, in the end we shall be able to square up if we act conjointly. That is my individual view. On the contrary I believe that the opposite method, the other method suggested by those who are certainly more competent than myself—I am nothing in comparison with them—will lead to many troubles ; and I find in practice that this feeling for communal representation, for increased communal representation, is spreading to a very

dangerous extent. If you will permit me, I will not take up a very long time, I will place before the Committee what has come to my knowledge. And if in spite of what has come within my knowledge and if it is a fact that the members of the Committee desire to take an opposite view, then I shall certainly abide by whatever the decision the other people may give. I will not revolt against it. But I must place before the Committee the experience that I have had.

(*Sir Muhammad Shafi*).—*Q.*—Don't you think that in the existing conditions—and I am only speaking of the existing conditions—mixed electorates furnish the periodically recurring cause of friction between the two communities ?

A.—I have been hearing these expressions " existing conditions " and " present conditions " since a very long time, but I do not know when these conditions are likely to change.

(*Sir Muhammad Shafi*).—*Q.*—Under the existing conditions don't you think that mixed electorates furnish the periodically recurring causes of friction and the result is that bitterness is continued ?

A.—That is what I was going to explain. My contention is that the present state of things is brought about by the rules framed under the Govt. of India Act. It is these rules that have in a way given impetus for claiming more and more communal representation. Not only in the representative institutions such as the legislative bodies but also in the local bodies this feeling is noticed. In the Central Provinces, for instance, we have had the representative institutions for more than half a century. We have never heard of communal representation. If you will look at the Acts and the Rules framed under the various Acts you will find that we have never heard about these communal representations at all until only very recently. When I introduced the Central Provinces Municipal Bill an amendment was sent in for the first time that there should be communal representation. I opposed it. Then take the Nagpur University Bill. Besides, I fail to understand what has education got to do with communal representation.

(*Mr. Chairman*).—I thing we have heard your views sufficiently on this point.

Q.—I will not examine him further on this point. Mr. Kelkar, in reply to certain questions put to you by certain of my colleagues you said that you would like to raise the standard of qualification of the candidates who stood for election and that you would insist upon a certain amount of administrative experience on their part and you would also probably insist on certain educational qualifications. May I point out to you that this view of yours is open to the obvious criticism which is sometimes levelled that it will create an oligarchy in India.

A.—I have said so in my note. It is open to that criticism. But when I wrote my note I had in my mind certain speeches made very recently by persons who now hold responsible positions under Government. It was on account of these speeches that I was induced to place this view before the Committee. I know that there are certain difficulties in the way of framing rules. For instance, who should be considered a competent man for the purpose of election ? But that difficulty can be got over by devising some means. But supposing if we retain this communal representation.....

Q.—I am not talking of communal representation....

A.—But this communal representation has direct connection with this. I had finished with it for the present, but it has got a direct connection with this suggestion of mine also.

Q.—My point is this. Suppose you are told that this suggestion of yours would lead to the concentration of political power into the hands of a few. Would you fight shy of that situation ?

A.—I may at once say that I would like to draw your attention to my note in which I have recognised this difficulty. But I want to place before the Committee the other difficulty.

Q.—My question is a very simple one ?

A.—It is open to that criticism and I have said so in my note.

Q.—Supposing political power were passed into the hands of what are called the educated classes, I put it to you whether you would have sufficient confidence in their patriotism and in their unselfishness to deal with their uneducated men fairly and properly ?

A.—If they are not unselfish then they are not educated.

Q.—Have you sufficient confidence in them ?

A.—Yes.

Q.—Do you think that they will be able to appreciate the feelings and sentiments of their uneducated and poorer fellow-countrymen much better than the present system allows the administrators to do ?

A.—Certainly.

Q.—Coming now to the question of dyarchy. If you were asked to say whether in your opinion, taking everything into consideration, dyarchy has been a success or failure, what would be your answer ?

A.—Failure.

Q.—Would you say that dyarchy has been a failure because of the circumstances in which it was introduced or because of some of the inherent defects of dyarchy ?

A.—There are inherent defects in dyarchy. And what are the circumstances, they should be enumerated.

Q.—For instance, it is said that it was introduced in an atmosphere of political hostility and at a time when there was considerable excitement in the country and that it was not given a fair trial. What would be your answer to that ?

A.—Even if it was introduced in a favourable political atmosphere I maintain that it would have been a failure. Men like myself entered into the Councils in spite of non-co-operation and in spite of the political feeding in the country ; we did not meet with any political opposition from the non-co-operators as such. Still we could not work the system of dyarchy successfully.

Q.—Therefore, I take it that your view is that there is a serious inherent defect in the constitution ?

A.—Yes.

Q.—You would probably treat it as a sort of incurable disease ?

A.—Yes. If I were a Doctor I would treat it as an incurable disease.

Q.—If you think that dyarchy is an inherent defect in the constitution, would you end it or mend it ?

A.—We cannot mend it without ending it.

Q.—Therefore, you would kill it ?

A.—Yes.

Q.—Now, having done away with dyarchy, which you consider to be a very serious defect in the constitution, what would you give us in its place ?

A.—Full responsible government in the provinces. I would also do away with the distinction between the transferred and the reserved subjects.

Q.—Would you please inform the Committee whether you can give effect to your desire for full responsible government in the provinces under the present Government of India Act ?

A.—No.

Q.—Supposing you were told that it was possible to frame certain rules or regulations consistently with the Government of India Act as it is at the present moment and that the effect of these rules and regulations would be to remove many serious defects, if not all, that exist in the present system, would you be satisfied with that ?

A.—No, because the defects may be removed in the working by means of rules, but you cannot remedy the inherent defect.

Q.—When you talk of responsible government in the Provinces, do you suggest that you would have no control of the Government of India otherwise it would not be responsible ?

A.—Yes.

Q.—That is to say, you would not have any control of the Government of India over the provinces ?

A.—Yes.

Q.—But what about the control of the Secretary of State ?

A.—Then we will have nothing to do with the Secretary of State. If we do away with the immediate control we must necessarily also do away with the higher control.

Q.—May I draw your attention to section 19A of the Government of India Act ? Will you please read it carefully ? (The witness read the section). Now under section 19A, it would be open to the Secretary of State in Council by rule to regulate and restrict the exercise of the powers of superintendence, direction and control vested in him in such a manner as may appear necessary or expedient in order to give effect to the purposes of the Government of India Act, 1919. Suppose the Secretary of State frames certain rules regulating and restricting the exercise of that power, would you look upon that state of things as amounting to provincial autonomy or full responsible government ?

A.—What sort of rules will he frame ?

Q.—Supposing he lays down rules generally restricting and regulating the exercise of the power of superintendence, direction and control in every matter ?

A.—Those rules must be consistent with the purpose of the Act. He cannot frame any rules inconsistent with the purpose of the Act and the main purpose of the Act is dyarchy and secondly there must be Secretary of State's control, which means ultimate responsibility of Parliament.

This section may appear to be somewhat self-contradictory because in the first part of the section it is said that notwithstanding anything contained in this Act, etc., and the latter part of that section says that the rules must be framed to give effect to the purpose of this Act, the inconsistency is apparent than real. What is meant is that the relaxation must not exceed the purpose of the Act.

Q.—At this stage will you please go to Section 131. It says "Nothing in this Act shall derogate from any rights vested in His Majesty, or any powers of the Secretary of State in Council, in relation to the Government of India." How would you reconcile section 131 with section 19A.

A.—As far as I understand the Secretary of State is responsible to the Parliament and he must frame such rules as are consistent with section 131.

Q.—Am I right in understanding your position to be that even if the Secretary of State desires to restrict his control or regulate his control under section 19A, he could not devise means under the present system ?

A.—No.

Q.—Then I suppose you have read the exposition of this matter by Sir Malcolm Hailey in his speech delivered in July 1923 ?

A.—Yes.

Q.—Am I to understand that you agree with Sir Malcolm Hailey's views ? Here is his speech in the Legislative Assembly's Debates.

A.—I think it has the same effect as the view I have expressed just now.

Q.—You agree with Sir Malcolm Hailey's views ?

A.—Yes, on the interpretation of the law.

Q.—If that view of Sir Malcolm Hailey is correct, then I take it your position is that a mere amendment of the rules or regulations will not give you what you want, namely, responsible government in the Provinces ?

A.—No.

Q.—Do you think your Province could be run successfully on those lines, that is if you had responsible government, you could manage it ?

A.—I am quite confident of that.

Q.—Do you think you have a sufficient supply of men in your Province who could run every Department of the administration successfully ?

A.—I think so.

Q.—But what about the electorate ? Do you think the electorate would be able to exercise sufficient control over its representatives, supposing there were full responsible government ?

A.—I think so ; if there is responsible government, then there will be less irresponsibility, and if any mistakes are committed by the Members or the Ministers, then surely the people will take care of themselves and see that such mistakes are not committed afterwards. Every elector may not be able to do so, but as a body, and under somebody's guidance, they will surely be able to do so.

Q.—What I want you to tell the Committee is whether in your opinion, the electorate is sufficiently intelligent, I will not say educated, to appreciate the nature of the administrative problems which really arise in the administration of a province. Take, for instance, your own Department, the building of a road or the establishment of a school or hospital ?

A.—Things like that they can understand very easily. The police administration they can understand very easily.

Q.—What would be their attitude with regard to law and justice ?

A.—They would surely like to maintain law and order.

Q.—Do you think that the average elector in your Province has any correct appreciation of the issues involved in the administration of law and justice ?

A.—Certainly they have. Even an illiterate rustic knows his property is secure if there is peace and order.

Q.—And occasionally he does indulge in a riot ?

A.—When he is put up by some people, not otherwise. The general idea is that his property is safe when there is peace and order, that is the general impression. I leave out of account abnormal times and circumstances, but I take into consideration only normal times and circumstances, and in these times even an illiterate rustic knows his property and his *izat* are safe only when there is peace and order.

Q.—Supposing a political situation arose in the Province when you had to take strong steps for the maintenance of law and order, as a Minister do you think you would be supported by the Council and by public opinion in your Province ?

A.—Yes, I think if we get responsible government. At present we have no responsible government. At present we are not responsible for the consequences.

Q.—Do you agree with the criticism that the average Indian politician shrinks from taking strong steps at the present moment in support of law and order ? What is your explanation of that ?

A.—It is merely an argument invented for the purpose of opposing progress.

Q.—Could you substantiate it ?

A.—That is the inference one can draw from circumstances. In the first place the educated people have had no occasion up to now to shoulder the reponsibilities of law and order. Of course we are going upon suppositions now and what we say is—take my case, when I was an ordinary Member of Council and when I became a Minister, I at once saw some difference in myself.

Q.—That is to say office brought you a certain sense of responsibility ?

A.—Yes, similarly if representatives in the Council see that they are responsible for everything, they will surely enforce law and order. It is the responsibility that makes people perfect.

Q.—But why do they shrink from supporting now any proposals for the maintenance of law and order ? How do you account for that ?

A.—How can you say that they shrink now.

Q.—It is for you to answer ?

A.—If I can get any concrete example, then I shall say whether they really shrink. As a matter of fact, they do not shrink from it.

Q.—In point of fact it is said that when any strong action is taken by the Government to put down what is called lawlessness or disorder, or any tendency to it, the non-official members of the Council always show weakness for the perpetrations of those crimes or the sympathisers of those people. What is really the explanation of that ?

108580

A.—The real explanation of it may be found in this fact, that in the first place, the non-officials do not know the other side of the picture. In one part of my note there I have stated that all the facts and the grounds should be circulated to the Members of the Standing Committee. If all the facts and the grounds are circulated to the Members of the Council or made known to the Council, then I think they will take a different view; but you simply ask them to judge or to express a one-sided or *ex parte* opinion. They do not know the Government side fully.

Q.—Now supposing you were a Minister of Law and Justice in your Province and you were face to face with a situation which required taking strong action, do you think that you could safely rely upon the support of your party in the Council in that event ?

A.—The general public you mean.

Q.—Supposing you were a responsible Minister in your own Province in charge of the Law and Justice Portfolio, and it became necessary for you to take some very strong action in the interests of law and order and peace, could you, in that event, safely depend upon the support of your own party in the Council ?

A.—I think, I could, if I explained the whole thing to them fully. If I took them into my confidence and did not keep anything secret from them surely they would support me. It is this thing that has led to all of this trouble in the past.

Q.—What thing ?

A.—The Members of Council are not taken into confidence, the non-official members. If you explain to them the real situation, even without showing them the confidential papers, they will surely take your word.

Q.—Did any situation arise in your Province during the last three years when the non-official members of your Council offered any strong opposition to any action taken by the reserved half of the Government for the maintenance of law and order ?

A.—The only case I remember at present is the Nagpur Satyagraha affair, but in that case there was no question of law and order as such, because everybody knew that there was not likely to be a breach of the peace.

Q.—Then what was the action taken by the Government ?

A.—The action taken by the Government in the first instance was to issue an order under section 144 of the Criminal Procedure Code prohibiting certain persons from taking the national flag along certain roads. They disobeyed those orders and they were afterwards prosecuted under one of the sections of the Indian Penal Code, which is a milder section, probably 188. That did not deter the people from disobeying the order of the District Magistrate. Then Government took drastic measures and took action under sections 109 or 120B or 118 and some such sections.

Q.—Then what was the attitude of the non-official members of the council ?

A.—The non-official members of the council opposed this action.

Q.—Why ?

A.—Because they maintained that it was not necessary to take these drastic measures. Even if people were allowed to take a national flag along certain roads, there was not likely to be a breach of the peace. And if you read the Council proceedings of that debate, you will yourself find

that the Government was not able to make out any case that there was going to be a breach of the peace. On the contrary what they said was there was an order and at any cost, right or wrong, the people were bound to obey it. It was on that account.....

(*Mr. Chairman*).—The question put to you was could you give any instance where the Council supported the enforcement of law and order. This apparently is an instance where there was no point of a breach of law and order.

Q.—Will you please turn to paragraph 70 of your Memorandum. There you say that " the most irritating or humiliating part of the whole business was that in cases in which my views differed from those of the heads of the departments or Commissioners I was asked to send the cases for the final orders of His Excellency." May I know where was the occasion for you to feel humiliated ? You may have felt irritated. Will you please explain that ?

A.—This is merely a war of words ; you may take one word or another. I felt every now and then a person who in the eyes of the law was my subordinate was able to challenge the accuracy of my decision and say he was not going to abide by it, let it be sent to the Governor. I felt humiliated.

Q.—Am I to understand that you resented the attitude of your subordinates when they said they were not going to obey your orders, or that you resented such advice as it is their duty to give you before you came to a decision ?

A.—No, I did not resent their advice ; they had every right to give advice. I argued with them, but after the argument, when I passed the order, I expected them to carry it out.

Q.—And they said they would not, and the matter had to go to the Governor ? May I put it to you Mr. Kelkar, why did you not as a self-respecting Minister tender your resignation then and there ?

A.—I have given my reasons for it. In fact on one occasion I did, but my non-official friends and other people induced me to withdraw it, to stick on and gain experience. I have said that in my note.

Q.—Will you now please turn to paragraph 90. There I believe you are thinking of rewards. You say :—" With regard to the last my complaint is that I was never taken into confidence either by the heads of the departments in my charge or by His Excellency the Governor." Were you ever told that while the heads of your department could make any recommendations to His Excellency the Governor, that it was not open to you as a Minister ?

A.—I did not say that the Governor ever told me that it was not open to me as a Minister to make any recommendations, what I said was that I was not consulted with regard to the recommendations received from my subordinates directly. The Governor told me that it was a confidential matter with which he could alone deal.

Q.—The awarding of titles and honours ?

A.—Yes, that was his exclusive privilege.

Q.—You say " I was never taken into confidence by the heads of departments."

A.—I mean the heads of the departments directly submitted their recommendations to the Governor.

Q.—Without consulting you ?

A.—Yes.

Q.—And you entered a protest ?

A.—Yes, in writing, and then in reply to that I was told it was not necessary to send recommendations through me.

Q.—Now we will pass on to paragraphs 101 and 102. I don't want you to mention the name of a single officer, I am only asking generally one or two questions. You say there in paragraph 101 : " It was the settled policy of the Government to allow local bodies freedom in the administration of the statutory duties including appointments of their servants. In spite of this policy, the Commissioner ", I am leaving out the name of the place, " refused to confirm the appointment of one man whom the Municipal Committee wanted to appoint as their Secretary." I don't want you to name either the Commissioner or even the district. Then you say " The Municipal Committee represented the matter to me for orders. On examination of the Berar Municipal Act, I found that the Local Government had no power to revise the orders of the Commissioner and hence I had to reject the Committee's representation." Now as a Minister weren't you bound by the Berar Municipal Act ?

A.—Yes, therefore I rejected the Municipal Committee's representation.

Q.—With the result that the Commissioner's view prevailed ?

A.—Yes.

Q.—What was your grievance then ?

A.—My grievance was that I told the Commisioner " This is the policy of the Government and the order which you have passed is not in accordance with this policy." I therefore requested him to reconsider it.

Q.—And he declined ?

A.—He declined.

Q.—Then, will you pass on to paragraph 108 ?

(*Dr. Paranjpye*).—*Q.*—Before you pass on to another subject I should like to put one question. Is it not possible for you to take away the power from the Commissioner in the future ?

A.—The Act has been amended now and the power has been taken away.

Q.—At that time you had not that power ?

A.—At that particular time I had not that power.

Q.—Now, will you pass on to paragraph 108. You say : " In the interest of stability and to avoid hardship in individual cases and to give the Council more effective control over departmental expenditure it would, I think, be better if the strength of each department and scales of salaries of different cadres were fixed by an Act of the legislature. This suggestion needs further scrutiny or examination, but until some such step is taken it would be difficult to " check the annual vagaries." Am I to take it that what is at the back of your mind is that the position of services should be safeguarded by an Act of the legislature ?

A.—Yes.

Q.—You would not object to it ?

A.—No.

Q.—Now, when you talk of the services, I suppose you include in that expression both the All-India services and the provincial services ?

A.—Yes, I include the provincial services.

Q.—Now, what is your idea about the security that you would give to the services ?

A.—That is to say, they must be free from these annual vagaries. For instance, if we appoint a certain number of persons as Inspectors this year on a certain salary, next year the Legislative Council should not have the power to say " We don't want so many inspectors now ; let them be dismissed and their services dispensed with ; or let their salaries be reduced."

Q.—But perhaps you will agree with me that it is vitally necessary for the successful administration of responsible government or any government that the services should be not only honest but independent and free from political corruption ?

A.—Yes.

Q.—And for that purpose perhaps you will agree that it is necessary to secure their interests ?

A.—Yes.

Q.—Then, when you use the word " interest " do you include in that their emoluments—that is to say, salaries, allowances, pensions ?

A.—Yes.

Q.—And what about promotions ?

A.—That is an administrative matter. All administrative or disciplinary matters must be left entirely outside the jurisdiction of the Legislative Council. What I mean is that the Legislative Council should have the right to determine the cadre and the salary of the cadre and the general conditions of service.

(*Mr. Chairman*).—*Q.*—And have no other control ?

A.—In disciplinary matters, no.

Q.—Then to whom would you give disciplinary control ?

A.—Well, I would give disciplinary control either to an independent Commission, an independent body or to the heads of the departments, or the Executive Councillors or the Ministers.

Q.—Which of these would you prefer ? Would you prefer the Public Services Commission ?

A.—Speaking personally I think the Minister should have nothing to do with these disciplinary matters. That I say from my experience. So far as discipline is concerned, the Minister should not be troubled.

Q.—What about promotions and postings and annual increments ?

A.—Whether a particular man should get an increment or not is a matter of discipline and I would leave it to the head of the department.

Q.—Not to the Minister ?

A.—No, the Minister's position would become very awkward.

Q.—Am I right in inferring generally from your attitude that so far as the actual prospects of the services or their pecuniary interests are concerned, you would not bring them under the control of political parties ?

A.—Yes.

Q.—You would secure to them the utmost possible independence ?

A.—Yes.

Q.—And that with regard both to the Imperial services as also the provincial services ?

A.—Yes, if you want to retain the distinction between Imperial and Provincial Services. So far as the Provinces are concerned, since you have asked me that question, I must add that I do not want to have any such distinction at all.

Q.—Now, will you please pass on to paragraph 112. Speaking with regard to the Finance Department you say : " I can however say that owing to the distinction between reserved and transferred subjects disputes between the two halves of the Government are quite conceivable." Did any disputes in point of fact arise between the reserved half and the transferred half ?

A.—No. I have said so, because there was no money to fight for.

Q.—If there had been any money to fight for there would necessarily have been disputes ?

A.—The rules are quite clear. The impression left on my mind by a perusal of the rules is stated there.

Q.—Then, did you have to go to the Finance Department for any sum of money for your own Department ?

A.—There was no money.

Q.—But you must have gone to the Finance Department for some money to carry on the work of your department.

A.—For the routine work, yes. The Finance Department did not interfere with me so far as the routine work was concerned.

Q.—But take any scheme of development with regard to any one of the services under your control. Did you ever have to go to the Finance Department ?

A.—Only in one case which I mentioned the other day—for a Science College.

Q.—And you were not allowed to borrow ?

A.—Yes.

Q.—The only other question I have to put to you is—you have said something about responsible government in the Provinces ; what about the Central Government—have you got any suggestions about that ?

A.—Yes, I have made the suggestion that so far as the civil administration is concerned it should be transferred.

Q.—But do you think it possible to effect it under the present Act by means of rules ?

A.—No, not by means of rules. An amendment of the Act will be necessary.

Sir Arthur Froom.—*Q.*—Mr. Kelkar, you have already answered many questions about communal representation, so I will leave that alone. Now turning to paragraph 15 you prescribe a remedy for the deficiencies of the electorate by suggesting certain qualifications for candidates to your

Legislative Council. You have already detailed these qualifications. If they had been in force at the last election would, in your opinion, they have operated against any of the present members of your legislative council ?

A.—In very few cases.

Q.—You consider that the present members of the Central Provinces Legislative Council comply with the qualifications you detail there ?

A.—Yes, except perhaps in few cases.

Q.—Again in paragraphs 21, 22 and 23 you are in favour of a longer term of office for Ministers ?

A.—Yes.

Q.—And for the Council ?

A.—That naturally follows.

Q.—And I understand that you told one of my colleagues that one of your chief reasons for this was that it would provide a longer training for the Ministers themselves ?

A.—Yes, they must have sufficient opportunities to study the whole thing and put their schemes in operation.

Q.—So, I take it that had your term of office been for 5 years, you would have felt more at home in it during the last 3 years than you did during the first 2 years ?

A.—I do not quite follow.

Q.—You said had you been in office for 5 years you would have been learning all the time, gaining experience all the time ?

A.—No, I would not be getting experience during the whole period but I would take some time to acquire experience and then I would require some time to educate public opinion, to get round the members of Council and to introduce a policy and see that that policy was successfully carried out, so that it would not be possible to be upset by subsequent ministers.

Q.—I understand that you suggest a Minister would take about 2 years to gain experience and therefore if he remained in office another 3 years your Province would receive the benefit of your experience ?

A.—Yes. In some cases the Minister might get experience in six months.

Q.—You mean a very clever man ?

A.—Yes, or if he has been already in service, perhaps he may not require any time. But speaking ordinarily.....

Q.—Yes, speaking ordinarily, that is what you told one of my colleagues before, and I just wanted to emphasise that. I quite follow.

(*Mr. Jinnah*).—I should like to make that quite clear. I don't know if you followed Sir Arthur Froom's point.

Q.—My point was that in answer to a question previously put by one of my colleagues, Mr. Kelkar, suggested it would be beneficial for the Ministers themselves if they were in office for a longer term—say, 5 years, because he said they would gain experience and then he said that possibly they take 2 years to gain experience and therefore during the last 3 years of the term his Province would naturally gain by it.

A.—Yes. Looking to the class of people from which the Ministers are recruited at present, generally they take some time to study their

subjects ; then they have to educate public opinion before they can introduce their policy and see it carried out. That is what I mean.

Q.—In paragraph 27 you say that " if the Ministers and the Council are allowed to act subject to each other's control, there may be less cause given for heart-burning." You mean of course the Provincial Council ?

A.—Yes.

Q.—What do you mean by " subject to each other's control " ?

A.—There must be joint responsibility.

Q.—You mean that the Minister would feel entirely responsible to the House ?

A.—Yes, to the whole House.

Q.—In paragraph 44 you say that your grievance is not only against the Executive Councillors and that you are quite willing to place the Ministers also in the same category. I understand there were only two Ministers during your term of office. Is your grievance against the other Minister ?

A.—Yes, and against myself also.

Q.—You have a grievance against yourself also ?

A.—Yes, so far as the constitution is concerned.

Q.—You did not like your position ?

A.—Yes. That is what I mean. I did not make a secret of this fact. At the end of my note I have said, that probably this was all due to inexperience.

Q.—At any rate leave yourself alone. You say that you had a grievance not only against the Executive Councillors but also against your brother Ministers ?

A.—Not only against my brother Ministers but against myself also. I remember one occasion on which I took action. I thought that it was purely an administrative matter, but afterwards it turned out that it was a serious matter on which I ought not to have taken any action without consulting the other Minister. Of course the other Minister supported me afterwards. But the mistake was there.

Q.—I rather wanted to be clear on this point. I thought you said that you and your fellow Minister did not pull together. Was that so ?

A.—That was not so.

Q.—It seemed to me from Mr. Chitnavis' memorandum that he seemed to think you did not pull together.

A.—I do not think so. If he has created that impression I am very sorry for it.

Q.—That is the impression I gained from his memorandum.

A.—I do not think so.

Q.—You did work together wholeheartedly in all matters and consulted each other ?

A.—It was not done as a matter of course. We consulted each other whenever it suited our convenience to do so, but as a matter of policy or as a matter of practice it was not done invariably. That is what I mean.

Q.—In paragraph 56 you say that under the administrative dyarchy in the Executive Government " the Ministers, though ostensibly parts of Government, are for all practical purposes reduced to the position of heads

of departments and nothing more. They have no incentive to feel any interest in the well being of the Government as a whole." When you took up office as Minister, did you start with that feeling ?

A.—I did not start with that feeling, because I had read the proceedings of the Joint Committee and the evidence given by Sir Frank Sly before the Joint Committee and I thought that throughout we would be treated as part of one Government.

Q.—May I take it that the Committee should understand that you started with the whole-hearted idea of trying to do your best to make the job a success although you might not succeed with the Members ?

A.—Yes.

Q.—In paragraph 60 you say : " I frankly admit that so far as departments in my charge were concerned, His Excellency Sir Frank Sly generally did not attempt to overrule me so far as broad questions of policy were concerned." You go on further to say that there were some overrulings as regards petty details in petty cases ?

A.—Yes.

Q.—You resented that interference ?

A.—Yes.

Q.—I put it to you that there might be another side to that question. You think now that in your term of three years of office possibly you interfered in petty details which might have been left to the Heads of Departments and therefore there would be resentment on their side ?

A.—It is just possible. That is just what I have said. They thought that I was interfering with them and I thought that they were interfering with me.

Q.—And that conduced to part of your trouble ?

A.—Might be.

Q.—Have you ever had any experience in a big mercantile business ?

A.—No.

Q.—I put it to you that if the head of a mercantile firm or house were to interfere in petty details which the Assistants in his firm are left to deal with, you could not get along at all.

A.—I must recognise that principle, and so far as I considered that the matters were petty, I never interfered.

Q.—You recognised that, I suppose, as you went on in your term as Minister.

A.—From the very beginning, because I had done lot of administrative work before and I knew the difficulty of interfering in petty details.

Q.—My suggestion is that these petty details should be left to the Heads of Departments and that you should confine yourself to broad questions of policy.

A.—That is what I have said. I believe I have said in one part of my note that the Minister should be relieved of all these administrative details. But if they come to me, and if there is a dispute, then it has to be decided by me. All these cases were cases of dispute.

Q.—You don't have any question of detail coming to you at the start ?

A.—No.

(*Dr. R. P. Paranjpye*).—*Q.*—You get appeals from the decision of others ?

A.—Yes, or from the public. It is only in cases of that kind that I interfered.

Q.—You did not leave it to the Heads of Departments to settle ?

A.—No, because it was an appeal against their orders.

Q.—You say in paragraph 65 that " if Ministers are unfit to decide petty cases or simple questions of facts, they should be dismissed. " My point is that petty cases and simple questions of facts should be dealt with by Heads of Departments.

A.—They were decided by Heads of Departments. They came to me in appeal or revision.

(*Mr. Chairman*).—*Q.*—Do I understand that paragraph 65 is entirely confined to appeals ?

A.—To appeals and other cases that came to me in the shape of revision or on the representation of any person.

(*Mr. Chairman*).—*Q.*—Are they not confined to appeals ?

A.—I did not send for any cases decided by any Head of Department within his jurisdiction on my own initiative, except when I wanted certain information. For instance, an abstract of cases decided by Heads of Departments used to be sent to the Ministers and I used to send for cases simply for the purpose of information. In these cases I did not interfere. But when the case came before me regularly by way of representation or appeal or revision application, then I had to exercise my own judgment.

Q.—We will leave that point.

(*Sir Sivaswamy Aiyer*).—*Q.*—Were the petty cases that you referred to cases which under the rules had to come up to Government for their orders ?

A.—Yes.

Q.—I think you told Sir Tej Bahadur Sapru that you never resented criticism of your work.

A.—No. I welcomed it.

Q.—Having listened to what the Heads of Departments had to say on any matter, you differed from them and you issued your orders, and you were of opinion that these orders should be carried out without any further reference. That would mean autocratic government ?

A.—No, not necessarily autocratic government. We have to take one view or other of the facts before us and the law. You cannot necessarily say that that is autocratic.

Q.—As regards selection of Ministers, you don't like the present system of appointment by the Governor ?

A.—Yes.

Q.—You prefer Ministers to be elected by the Legislative Council ?

A.—Or after consultation with the Council in one form or another in order to see who enjoys the largest amount of confidence.

Q.—Can you suggest how they can be conveniently elected by the Council so long as there is no definite party ?

A.—I did not say so. I did not press that point.

Q.—You put forward that point.

A.—I did not press the point about election by a panel.

Q.—You are willing to concede that the present system should be adhered to, *viz.*, appointment by the Governor ?

A.—Yes, but after consultation with the Members of the Council so that troubles may not arise afterwards.

Q.—You mean the whole of the Members of the Council ?

A.—The Governor knows who will give him the best information.

Q.—He will send for the leading members and consult them ?

A.—Yes, leading members from each party.

(*Mr. Chairman*).—*Q.*—That is exactly what is done now. Is that not so ?

A.—That was done this time.

(*Mr. Jinnah*).—*Q.*—The previous election was the first election ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—And not in the previous one ?

A.—Not in the previous one.

(*Mr. Jinnah*).—*Q.*—You mean this was done during the last election ?

Q.—In your summary you recommend the abolition of all reserved subjects and therefore that all subjects should be entrusted to Ministers.

A.—Yes.

Q.—Which more or less means doing away with the Executive Council.

A.—Yes.

Q.—Which means, in other words that the Legislative Council would be charged with the province under the direction of the Ministers selected by them ?

A.—Yes.

Q.—Would you apply that system to the first Legislative Council in the Central Provinces after the introduction of the reforms in 1921 ?

A.—Yes.

Q.—You think it would have worked ?

A.—Yes.

Q.—And no mistakes would have been committed ?

A.—Mistakes may have been committed. All human beings commit mistakes.

Q.—The Central Provinces would have progressed by the mistakes of the Council ?

A.—That does not necessarily follow. I do not say that we could not have committed mistakes.

Q.—Under the present system it is possible for mistakes to be rectified ?

A.—Yes.

Q.—Under your system they would not be rectified. Would you leave the Governor with a veto ?

A.—In very exceptional cases ; as a last measure, not otherwise.

Q.—Turning to the Central Government, I think you told Mr. Jinnah that you considered that the Army—and I think Foreign Relations—should be left as a reserved subject ?

A.—Yes.

Q.—Is it on account of any doubt about law and order being preserved in the country ?

A.—No, not necessarily. Not with the intention of law and order being preserved in the country, but I am told that this is a very technical matter which the ordinary members have not yet studied and therefore I thought it should be left alone for the present.

Q.—The Army does help to maintain law and order ?

A.—It is part of their duty. But that was not my reason.

Sir Sivaswamy Iyer.—*Q.*—You said that you would raise the qualifications for candidates. Do you not think that your proposal would have the effect of shutting out many good men ?

A.—If it has the effect of shutting out many good men, then we can frame suitable rules. It is a matter of rules. I have recognised that difficulty in my written memorandum.

Q.—You know Mr. Chintamani. He is only a Matriculate. Was he a good Minister ?

A.—Yes. I am told that he was a very good Minister. Matriculates may be suitable. It is not necessary to have graduates.

Q.—You would shut him out ?

A.—No.

Q.—He had not had any administrative experience. He was only a journalist.

A.—That is a great administrative experience. He gets experience of the whole world.

Q.—Or again take the Right Honourable Mr. Srinivasa Sastri. Had he had any administrative experience ? Your proposal would have shut him out ?

A.—Not necessarily. He had great administrative experience. He managed the Servants of India Society which is a great public body.

Q.—Then you would give a very elastic interpretation of the term administrative experience ?

A.—Yes. Mine was merely illustrative and not an exhaustive list.

Q.—Does it include a college or school ?

A.—I have not attempted to give you an exhaustive list of the qualifications that would be required.

Q.—You have expressed a wish ?

A.—I have expressed the general principle.

Q.—And in your experience of your Council whom do you find more sweetly reasonable—the graduates or those who are not graduates ?

A.—What do you mean by sweetly reasonable ?

Q.—Not disposed to obstruct or wreck the Council, or willing to listen to reason and so on.

A.—I think the more a man is educated the more he is inclined to reason.

Q.—But what has been your experience in your Council ?

A.—My experience of the Council is that the educated people are generally open to reason. They argue with you and you learn from them. But if they are uneducated you do not get any assistance from them.

Q.—They won't listen ?

A.—Not that they won't listen, but you would not get any assistance from them. I derived much assistance from obstruction. Obstruction has got considerable educative value.

Q.—From whom ?

A.—Opposition criticism.

Q.—Opposition or obstruction ?

A.—Opposition I mean. I do not consider the educated peoples' opposition as obstruction.

Q.—Has there been no obstruction in the Central Provinces in the Legislative Council ?

A.—Yes, there is obstruction now.

Q.—But not in your time, not in the first council ?

A.—No. Of course various resolutions were moved and my actions were criticised. I learnt much from those criticisms.

Q.—But not opposition for the sake of obstruction ?

A.—No.

Q.—In one of your earlier paragraphs you say that the suspicion of Government is very deep rooted.

A.—Yes, against Government.

Q.—Can you give any explanation why it is so deep rooted, or the reasons for it ?

A.—Well, the general political situation in the country is responsible for it—the press, the platform speeches, and the opposite side is not adequately represented. They hear one side of the version. They get certain impressions from these speeches and from these writings in the press.

Q.—What I want to know is whether you mean to suggest that the suspicion of the Government was the result of agitation or was a justifiable suspicion ?

A.—The result of agitation, and also partly it is justifiable by some actions of the subordinate officers. For instance, if a congresswalla goes to the people and says, "Look here. These irrigation people exact dues from you although you do not get water for irrigating your fields." Things like that. People readily believe that anything done by the subordinates is done by Government or done under the orders of Government.

Q.—The hardships which the people experience in the ordinary course of administration ?

A.—Yes.

Q.—You have often stated that there have been no parties in the country and in the Council. Can you give any explanation of it, why there have been no parties ?

A.—Well, in the first place there was not enough time to organise parties in the Councils. As I have said, even the Ministers worked to a certain extent on their own responsibility. That was one reason. And that was not an appropriate time also for organising parties in the Council on account of the non-co-operation. The third reason is that there is a general impression that there must be one party only, namely, a party to oppose the Government.

Q.—But do you think that it will remedy matters if all the subjects were transferred ?

A.—Yes. Then the responsibility would be on the people themselves or the representatives of the people.

Q.—Then it will not be a case of having to fight with the Government ?

A.—No, because you have to fight with your own people in that case.

Q.—Do you think that the official element in the Central Provinces Legislative Council supplies valuable experience or not ?

A.—To the Ministers, of course, they are of valuable assistance.

Q.—And if their experience is valuable to the Ministers, don't you think that it will also be valuable to the ordinary members of the Legislative Council who have not got even the training of the Ministers ?

A.—No. I do not take that view necessarily. If the Ministers are properly trained and coached by the officers, then they ought to be there to explain the policy of the Government. Permanent officials it is not necessary to have there.

Q.—Do you think that it is always possible for the Ministers to have all the materials connected with their administration at their fingers' ends and be able to explain the actions of the Government ? Supposing the officials were kept within due limits would it not be a valuable element ?

A.—No. I do not think so. The Minister must be prepared before he comes into the Council.

Q.—What do you think of the size of the electorates in your province ? Are they unduly large or reasonable ?

A.—They are not unduly large. Only 150,000 electors.

Q.—That is on the whole. I am not speaking of that. Take each territorial electorate by itself. What is the size of each electorate ?

A.—The size of the districts differs. But the average size of a district is about 4,000 square miles.

Q.—And the number of electors on the average ?

A.—Take the small district from which I come. The number of electors is about 3,700 in the rural area.

Q.—Even 4,000 square miles do you think is a manageable area for a candidate ?

A.—For a candidate it is not a manageable area.

Q.—Would you have smaller electorates and more members ?

A.—No. I would not have smaller electorates and more members because the districts in the province are very small and people know them very well.

Q.—With regard to the principle of joint responsibility among the Ministers are there any obstacles to the enforcement of this principle ?

A.—You mean statutory obstacles ? The express provision in the law does not expressly prohibit joint consultation.

Q.—But have you seen the provisions of section 52 which says that in the transferred subjects the Governor shall act in consultation with the Minister in charge of the Department ? Does the Governor dispose of cases in consultation with the Minister in charge of the particular department or in consultation with the Ministers jointly ? Is there anything in your rules on the subject ?

A.—Yes, there is. You mean the Rules of Business ?

Q.—Yes, in the Rules of Business.

A.—Yes. I have referred to the Rules of Business in my note.

(*Mr. M. A. Jinnah*).—It is contained in rule 10 (*a*).

Q.—In the Instrument of Instructions to the Governor it says, the administration of the Governor acting with a Minister—that is what it says. But there is nothing to prohibit the Governor from consulting the Ministers ?

A.—Nothing.

Q.—Nothing to prohibit you from asking that the subject should be brought up at a meeting of the Ministers ?

A.—No.

Q.—Why did you never ask for that, for subjects being brought before Ministers jointly ?

A.—As I have said before, in cases which I have considered to be of sufficient importance to justify joint consultation I asked for a meeting of the Cabinet, consisting of both arms of the Government.

Q.—I am not talking of the Cabinet, but the Ministers.

A.—As I said before we never called for a meeting of the Ministers as such.

Q.—But if that principle of joint responsibility had been acted upon throughout, it would have tended towards the formation of parties and consultation of parties ? Would it not have ?

A.—Well, at least it would not have created any misunderstanding between the Ministers.

Q.—It would have permitted more co-operation between the Ministers ?

A.—Yes.

Q.—Do you think that if a matter was disposed of by the Governor in consultation with the Ministers he would have over-ruled you if he found that he was opposed by both the Ministers on the subject ?

A.—Ordinarily I do not think he would have over-ruled us.

Q.—He would not have over-ruled you ?

A.—That is what I think from the general way in which he behaved with us—if the two Ministers had acted together.

Q.—You complained that appointments in other departments were made without your knowledge. Is it not ?

A.—Appointments in other departments ?

Q.—In one of your paragraphs, you say that somebody was appointed without your knowledge.

A.—Yes.

Q.—But what is the practice in the reserved half ? Are appointments made in any one department with the knowledge of the members in the other ?

A.—No. The appointment department is a separate department. In writing that part of my note attention was confined to Schedule 2 to the orders issued under section 49 (2) by the Local Government of the Central Provinces.

Q.—You say that you were not consulted when somebody was appointed Additional Judicial Commissioner. That was an appointment in the Judicial Department ?

A.—Yes.

Q.—But would a member in charge of some other department be consulted in the reserved half ? You were only a Minister and it was not in your department ?

A.—No.

Q.—Is such consultation the practice in the reserved half ?

A.—That appointment related to the reserved half.

Q.—So you were not consulted ?

A.—No, I was not consulted.

Q.—Even in the reserved half appointments in one department are not made with the knowledge of the other department ?

A.—No, that is not my point. My point is that there are certain appointments of importance which are specified in the Schedule 2 to the Rules framed under section 49 of the Government of India Act.

Q.—And under the rules do they require consultation with you ?

A.—Under the rules they do not require consultation, but as a matter of practice or as a matter of convention we were consulted with regard to the appointments on certain occasions and we were not consulted with regard to some appointments on other occasions.

Q.—Then it is merely the want of uniformity that you complain of ?

A.—Yes. That is what I have said. That made the position of the Ministers somewhat awkward.

Q.—In paragraph 46 you say :—

> " By allowing members of Government to act independently or to work with a feeling that they were responsible for their own departments only and not for the Government as a whole the Government's position was at times weakened or had become awkward. Government was put to expenses which could have been saved. "

Can you give me an instance or illustration of that ?

A.—The Nagpur Flag affair, the Satyagraha case ; that is the case.

Q.—You have no other case in view ?

A.—No.

Q.—I have heard it stated that very often decisions which were impracticable or unwise were arrived at by the transferred half of the Government which had afterwards to be abandoned after considerable waste of time and energy. Is that correct ?

A.—I used to hear this complaint when I was in office and I used to hear that complaint afterwards more repeatedly. Therefore I asked my critics to point out to me instances in which public time and money was wasted on account of anything done by the transferred half of Government and none of my critics has yet been able to point out to me a single instance of such waste of public time and money.

Q.—Do you know of any case in which the proposals of the Ministers had to be abandoned on the ground that they were impracticable or harmful after considerable waste of time and energy ?

A.—I was in charge of 4 departments. So far as Local Self-Government department is concerned, I think we are not concerned now. So far as the Public Works Department is concerned, I was very keen on carrying out the policy of the Government of India for transferring public works to the local bodies. His Excellency the Governor was entirely at one with

me. But simply on account of the opposition from the men in the department themselves we were unable to give effect to that policy. A lot of time was spent—I do not say wasted—a lot of time was spent in correspondence. That is one case.

Q.—In that case you do not consider your proposal an impracticable proposal ?

A.—The Government of India has decided. It was the recognised policy of Lord Chelmsford's Government. We had simply to give effect to that policy. But we could not give effect to that policy simply because officers attached to that department were opposed to it.

Q.—Any other instance ?

A.—In the Education Department certain parts of my policy I was able to put through ; others I was not able to put through simply on account of want of money. I remember those cases, for instance, in which a resolution was moved by a member of the council that within 10 years' time primary education should be made free and compulsory in every village in the provinces. I pointed out to the member that it was an impracticable proposal, but still we would see what could be done. Then we appointed a Committee to go into that question. The Committee took some time and then submitted its proposals with a big order for several lakhs of rupees. There was no programme. We had to draw up a certain programme, because you know that our local bodies have not got trained agency at their disposal. That agency has to be supplied by the Central Government. The Central Government therefore has to draw up a programme.

Q.—You think it was not a case of an impracticable proposal ?

A.—It was not a case of an impracticable proposal. The mere fact that we were not able to give practicable effect to it was due to want of money.

Q.—Have there been cases where the Ministers in your provinces have interfered with the administration to the detriment of discipline in details of administration ?

A.—As I have said before I never cared for anything in the details except when the case came before me regularly and when a case came before me regularly, I had to decide it.

(Dr. Paranjpye).—*Q.*—May I ask you in this connection a question ? When you were touring suppose a subordinate official came to see you. Did the head of the department consider it to be a grievance that you saw the subordinate over his heads ?

A.—Not to my knowledge ; but certainly if they sent to me any private letters or demi-official letters, they resented. But fortunately all these demi-official letters I received were from European officers in the service.

Q.—In paragraph 49 you say " that the Governor's power of superintendence, direction and control over the Ministers appears to be much more complete than even that of the Secretary of State for India in Council." I should have thought that under the Reforms the Governors' powers had been enormously reduced. Can you explain that statement ?

A.—Theoretically the powers may have been reduced, but the rules give extraordinary powers.

Q.—What rules ?

A.—The rules framed under section 49. That is what I was talking about.

Q.—If you insist upon having your way, don't you think the Governor was bound to yield having regard to the instrument of instructions ?

A.—Sometimes he yielded and sometimes he did not.

Q.—If he did not yield you could have resigned ?

A.—That is what I have said.

Q.—You could have threatened to resign ?

A.—That is a point to be considered in consultation with the members of the council and they said " that it was purely an administrative matter and no question of principle was involved ; you stick on, gain some experience and accumulate all these instances." Perhaps they had no knowledge at that time that this Committee was to be constituted.

(*Dr. Parajpye*).—*Q.*—And make a good case for resignation afterwards ?

A.—They were not for tendering resignation at that time.

Q.—I put it to you that whatever power the Governor has exercised in the transferred departments, if it was exercised at all against your opinions, was due to the weakness of the Ministry and not to the system ?

A.—No, it is due to the rules. It is due to the system. The Minister, I think, was sufficiently strong, but he had no power, no statutory power, to enforce his opinion.

Q.—Did the Governor really try to persuade you or over-rule you in questions which went up to him for orders ? Was it a question of persuasion or dictation ?

A.—In some cases it was a question of persuasion.

Q.—Of which you do not complain ?

A.—When he sent me a case for disposal with certain remarks of his, then I decided the case according to my own views. In other cases he decided.

Q.—Was there any attempt at dictation by the Governor to the Minister ?

A.—I never took it to be dictation. I took it to be a suggestion. I took it to be a mere suggestion from the Governor. I did not look upon his remarks as an order from him.

Q.—With regard to the allocation of finance between the reserved and transferred halves to avoid friction what is the remedy ? Do you suggest any remedy, or do you say that the only means of avoiding friction is to abolish dyarchy ?

A.—Yes, that is the safest course.

(*Mr. Chairman*).—*Q.*—Was there any friction as a matter of fact ?

A.—None. I am not talking from practical knowledge, because I have said in my note that I have no such experience.

Q.—Have you any particular opinion on the question of avoidance of friction in the matter of finances ?

A.—Yes, I said that difficulties and differences of opinion are conceivable. For instance, I have cited the Police case or the jails case. Perhaps instances of that kind could have been avoided.

Q.—Does the fact that the Finance portfolio is in the hands of a member of council who is also in charge of other departments operate detrimentally to the other subjects ?

A.—As I have said, in our province we have had no occasion. It is just possible.

Q.—You have no experience ?

A.—No, because there were no occasions.

Q.—With regard to the Public Works Department you seem to be under a misapprehension as to its functions. Now supposing you were the Education Minister but not the Public Works Minister. Who do you think would be the best authority to decide as to the necessity for further buildings for a school or college ? The Public Works Department or yourself ?

A.—I would consider the head of the department and the Member or Minister in charge, but the ultimate responsibility must be with the Minister in charge of the Public Works Department, that is to say, I do not regard the Minister in charge of the Public Works Department as merely an agent of the other departments, and I believe that is the view taken by the Government of India.

Q.—Is the Public Works Department to be the final authority in settling what the wants of the other departments are ?

A.—The Public Works Department is not merely an agent responsible for throwing a few baskets of earth here and there. They have to do certain administrative work. They have to shoulder certain administrative responsibilities.

Q.—The administrative responsibility consists in controlling their establishment and seeing that they do their work economically and efficiently ?

A.—That is not the view I take. I do not think the Minister's duty is merely to control the coolies under him.

Q.—You were in favour of all subjects being transferred ?

A.—Yes.

Q.—Take for instance the subject of land revenue. Do you think there is any danger of any wild cat scheme, say to fix land revenue permanently or to decrease the amount of land revenue now derivable ? Do you see any danger of that ?

A.—I do not think so. If the responsibility is thrown, then I think there is no danger.

Q.—But you are aware that proposals have been put forward for permanent settlement even in ryotwari tracts ?

A.—Yes.

Q.—You think that is due to lack of responsibility ?

A.—Yes. These proposals are drawn up or suggested or are placed before a Government which is not responsible to the people.

Q.—But if the Government becomes responsible, then these proposals will not be carried ?

A.—No.

Q.—Or would you provide any safeguards by way of legislation or otherwise in regard to such subjects as land revenue ?

A.—Perhaps it may be wise to provide some safeguard by way of precaution, but not otherwise.

Sir Henry Moncrieff-Smith.—*Q.*—You have suggested that the legislative term of office should be five years rather than three. Where do you find any statutory provision which confines the term of Ministers to three years ?

A.—I think in the rules it is stated that the term of the Legislative Council will be for three years. I think it is also stated in the Act.

Q.—Do you find anything in the Act or the Rules which says that the Minister's term of office should be coincident with the period of the life of the Council ?

A.—If the Council is dissolved, then the Minister goes out and within six months from that date he must seek re-election. That means three years and six months.

Q.—But if he does not seek re-election ?

A.—Of course, he has to go out of office at the end of six months.

Q.—If he is re-elected then there is nothing to prevent him from continuing in his office ?

A.—No.

Q.—What I want to find out is whether your suggestion that the Minister's office should be extended to 5 years would also involve as a consequence that the term of the Council should also be extended to five years ?

A.—Yes. The Council and the Minister must go together.

waste of time in the Local Council in regard to questions that are not of waste of time in the Local Council in regard to questions that are not of provincial importance ?

A.—Yes.

Q.—I suppose you have a rule in your Legislative Rules which confines the questions to matters of public concern ?

A.—Yes.

Q.—Do you mean to suggest that that rule is not enough to exclude parochial matters ? Would you suggest an amendment of that rule or do you think that a strict enforcement of that rule by the President would achieve your object ?

A.—I think an amendment of that rule would be necessary because we have discussed this question in our local Cabinet meetings and the Governor was unable to say which particular subject was and which one was not of public importance.

Q.—Not long ago, the Legislative Assembly passed a resolution to the effect that the Government of India should in the Central Legislature answer all questions relating to important provincial questions. I want you to look at it from your point of view as a Minister whether the Government of India should answer in the Central Legislature all important questions with regard to the subjects that you are administering in the province ?

A.—I do not think it is a sound policy because it interferes with the autonomy of the province. But if the Provincial Governments were required to do certain things in consequence of any orders or suggestions from the Central Government, then it is but meet and proper that the Central Government should be responsible to answer any question relating to a provincial subject.

Q.—Then with regard to resolutions also you make very much the same complaint that time is wasted on matters of parochial interest in the Local Council. There, again, you have a standing order, I think, which

says that resolutions can only be moved on matters of general public interest. Is it your opinion that that rule is not either wide enough or is it your opinion that it allows discussions on matters which ought not to be discussed in the Council and consequently it should be amended ?

A.—Yes.

Q.—And you do not think that a strict enforcement of that rule by the President will have the desired effect ?

A.—It will be very difficult for the President to enforce that rule strictly. The rule is widely worded and is very comprehensive.

Q.—Now I want to ask you two or three questions about communal representation. We have heard the suggestion that seats should be reserved for Muhammadans in the Council but that they should be elected by general electorates. It is a sort of half-way house between the present system and the system that you advocate. Do you think that that would work satisfactorily ?

A.—I understand that the Muhammadans are not willing to accept that suggestion. I believe the late Mr. Gokhale had made similar suggestion.

Q.—What is your opinion on the matter ?

A.—It may be tried as a matter of compromise but not as a matter of principle.

Q.—So you object to this system on principle but it might possibly work more satisfactorily than the present system ?

A.—Whether it would work satisfactorily or not I cannot say.

Q.—You say that you would abolish these purely Muhammadan constituencies. You deplore also the existence of communal parties in the Council. Would you ascribe the existence of communal parties to the present electoral system ?

A.—The present electoral system does in a way, I think, encourage the feeling of communal representation.

Q.—You think that Muhammadans will be elected if they go to a general electorate ?

A.—That is my general belief.

Q.—Suppose Muhammadans are elected from general electorates, do you think there will be a tendency still for communal parties to form in the new Councils ?

A.—Those tendencies will be considerably minimised.

Q.—You don't think that the Muhammadans will as a matter of course form a Muhammadan party ?

A.—I don't think in that case they will care to do so.

Q.—I want you to look at paragraphs 28 to 30 on Legislative work. There you say that you have no complaint against the Governor or the Members of the Government. Your complaint is against the Government of India ?

A.—Yes.

Q.—You as Minister initiated several legislative proposals during your term of office and you piloted some important legislative measure in the Local Council ?

A.—Yes.

Q.—May I take it that you are thoroughly familiar with the provisions of the Government of India Act which confer legislative powers on you and on the Local Council, *i.e.*, section 80A of the Government of India Act ?

A.—It confers powers subject to certain restrictions.

Q.—That is what I am coming to. Section 80A lays down restrictions imposed by Parliament on the Local Council ?

A.—Yes.

Q.—And the restrictions are that in certain cases the sanction of the Governor General is required ?

A.—Yes.

Q.—I suppose you realise that there is a difference between the Governor General and the Governor General in Council. It is not the Government of India's sanction but it is the sanction of the Governor General ?

A.—Yes.

Q.—You say that there are other restrictions. Can you tell the Committee what restrictions the Government of India have added to those imposed by Parliament in section 80A ?

A.—I was dealing with two legislative measures which I have mentioned in my note.

Q.—You have said that there are general restrictions. I understood you to say just now that the Government of India have added some further restrictions to those already imposed by Parliament.

A.—Have you got that impression from my note ?

Q.—I have got that impression from your note.

A.—That is not my view.

Q.—Then the only restrictions on your legislative powers are those contained in section 80A ?

A.—Yes, that is what I mean.

Q.—Now please turn to paragraphs 29 and 30 of your Memorandum. You say that the Local Council and the Local Government must have a free right to frame their own laws. Do you mean to say that they should be free from all restrictions ?

A.—They should be free from restrictions so far as local matters are concerned or law which relates to the particular province only.

Q.—Do you realise that a law may relate to a particular province and yet it may affect matters which are far more than provincial in their nature ?

A.—In such cases it may be necessary to refer the matter to the Government of India. But in paragraph 29 I am talking of purely local laws, which affect the provinces only.

Q.—Let me put a case to you. You consider that a Municipal Bill is a matter purely of local concern and therefore there should be no restriction whatever. Now the Municipal Bill gives power to municipalities to levy taxation. Suppose a Bill proposes to give a municipality a power to levy as a municipal tax a surcharge of 50 per cent. on the income tax. Do you regard that purely a matter of local concern ?

A.—That cannot be done because the power of taxation is restricted by the Schedule.

Q.—But just now I understood you to suggest that these restrictions should be removed ?

A.—I meant restrictions so far as they relate to the sanction of the Governor General.

Q.—I have not quite understood you. I am trying to find out which of the restrictions, contained in section 80A of the Government of India Act would you abolish ?

A.—The previous sanction of the Governor General.

Q.—Let me put it to you in another way. I think you have complained that you were not given an entirely free hand in the Central Provinces Municipal Bill ?

A.—Yes.

Q.—You say it is a matter of local concern. Now what restrictions in regard to the Central Provinces Municipal Bill did you find which hampered you in piloting that Bill in the Local Council ?

A.—It did not of course hamper me but it took some time to get the sanction of the Governor General.

Q.—Was it a long Bill ?

A.—It was a very comprehensive Bill.

Q.—And you realise that it dealt with a large number of places ? When it came up to the Government of India it had to be examined in something like six departments ?

A.—Yes.

Q.—Do you know how long it was before you got the sanction ?

A.—I could not tell you just now. But that is exactly my point. Our view is that there is no necessity of getting the sanction of the Government of India. Why should the local Government be under an obligation to send up the Bill to the Government of India for the previous executive sanction before it is introduced in the local Council ?

Q.—The answer is because of the provisions of section 80A. I am trying to find out what are the restrictions that you would like to abolish ?

A.—The previous sanction of the Governor General.

Q.—Then the section is gone ?

A.—Yes, so far as local matters are concerned. I am talking about local matters only. I mean bills which relate to local subjects only.

(*Sir Muhammad Shafi*).—*Q.*—But who is to decide whether a given Bill deals merely with local matters or central matters or matters mentioned in section 80A are also involved in it ?

A.—If the Local Legislature passes any law beyond its jurisdiction, then the law would be *ultra vires.*

Q.—Don't you think that prevention is better than cure ? Is it not better that local Council should know beforehand where it stands ?

(No answer).

(*Sir Tej Bahadur Sapru*).—*Q.*—Do you think such subjects are capable of being scheduled ?

A.—Yes.

Q.—Will you look at section 80A of the Government of India Act, (*a*), (*b*), (*c*), down to (*i*), the first one prevents the imposition of a new tax unless it is scheduled. Would you abolish that ?

A.—No, that is not a purely local matter.

Q.—You would not abolish that, or that "affecting the public debt of India"?

A.—No, that is not a local matter.

Q.—(*d*) "affecting the discipline or maintenance of any part of His Majesty's naval, military, or air forces."

A.—No.

Q.—"Regulating any central subject."?

A.—The Provincial Legislature cannot deal with a central subject.

Q.—You understand the local Legislature can regulate central subjects and constantly does. We never get a Bill up from the local Legislature which does not regulate central subjects?

A.—Then that is not a purely local matter.

Q.—It may be a local matter?

A.—Partly and partly it may not be, but it is not an entirely local matter.

Q.—Civil law is a central subject?

A.—Yes.

Q.—Suppose your Municipal Bill said no suit shall be brought against a Municipal Commissioner in regard to any action of his taken under the Act? Everybody has a right to bring a civil suit, you bar it?

A.—Such a provision would be *ultra vires*. I do not think any local Council would do it.

Q.—Every Local Council has done so.

A.—It is unfortunate then.

Q.—Your own Municipal Bill has a provision like that.

A.—That is to be found in most of the Acts.

Q.—But it affects the central subject of civil law?

(*Mr. Jinnah*).—*Q.*—May I put one question in connection with this? Has your attention been drawn to the proviso in section 88A? Is it not open to the local Legislature to undertake any Bill and pass it provided it is subsequently assented to by the Governor General?

A.—That is not generally done in practice; the law is there.

Q.—You agree that the local Government with its eyes open should not proceed to enact legislation which is beyond its powers?

A.—No. It should not.

Q.—We are coming back to your suggestion that the Local Governments must have free right to frame their own laws. You think that the local Council should be able to codify the Muhammadan law of the Province without any control from outside?

A.—It does not affect the Province only because Muhammadans reside not only in the Central Provinces, but all over the country.

Q.—You think they should not have the power to codify Muhammadan law?

A.—That is not a purely local matter.

Q.—Or to codify Hindu law?

A.—No.

(*Sir Tej Bahadur Sapru*). *Q.*—In point of fact some Legislatures have been trying to pass legislation with regard to Hindu law; take for instance Madras ?

A.—Yes.

Q.—You say " the sanction " (by that you mean the sanction of the Governor General under section 80A) " may be merely formal." Do you mean the sanction, if asked for, should be as a matter of course ?

A.—Yes, it is given.

Q.—But I gather you are suggesting some advance when you say it should be merely formal. You may just as well abolish it altogether if it is purely formal and given as a matter of course ?

A.—Yes.

Q.—You say there is no reason why non-official members should be prevented from introducing any Bills or from moving any amendments if they consider such measures are likely to advance a popular cause. You mean there must be some restrictions on the local Government's powers of introducing legislation, but you would remove all restrictions in regard to non-official members ?

A.—So far as amendments are concerned.

Q.—You say there is no reason why they should be prevented from introducing any Bill ?

A.—Yes.

Q.—Therefore if you, as a non-official member, proposed to introduce a Bill to codify Muhammadan law, you think there should be no restriction on you ?

A.—I do not think such a Bill will come.

Q.—But I do not know; we do get any number of proposals to codify Hindu and Muhammadan law from non-officials.

A.—If such proposals have come then I think it would be well to have a schedule of such bills as would require the sanction of the Government of India or the Governor General.

Q.—But what would the restriction be ? I gather you mean there should be some restriction on the power of non-official members to introduce bills ? I cited one, the codification of Muhammadan law ?

A.—That is a Bill of far-reaching consequence. It will affect the Muhammadan community not only in the particular Province, but throughout the country.

Q.—Therefore there should be some restriction ?

A.—Yes.

Q.—Then you are prepared to qualify your statement that there should be no restriction on the part of non-official members ? You concede that Local Governments should be subject to some restriction, but not non-official members, that is your in memorandum, paragraph 30 ?

A.—That is what I have stated.

Q.—You are prepared to qualify that statement ?

A.—Yes, cases are conceivable such as you have cited now, and having regard to the cases cited by you, I am prepared to qualify the first part of it.

(*Sir Muhammad Shafi*).—*Q.*—You would qualify your statement to this extent, that the restrictions mentioned in section 80A on the action of Provincial Governments with regard to the introduction of legislation without the previous sanction of the Governor General should apply equally to non-official members ?

A.—Yes, if such cases have arisen in the past, then I think I am prepared to qualify my statement.

(*Sir Sivaswamy Aiyer*).—*Q.*—Suppose there was a Bill introduced for the purpose of modifying the system of succession to Hindus or Muhammadans domiciled in your Province, what is the objection ? Why should they not have it ?

A.—Hindus or Muhammadans domiciled in my Province have not got a separate personal law from the Hindus or Muhammadans domiciled in other Provinces.

(*Sir Sivaswamy Aiyer*).—*Q.*—Suppose they wanted a change while Hindus resident in other Provinces did not want a change. Take for instance the question of earnings, if Hindus of the Central Provinces wanted to enact that a man's gains from his earnings shall be his own self-acquired property, whatever assistance he may have derived from the joint family property, why should they not have their way, and why should they be obliged to wait for a change of sentiment in the rest of India ?

A.—Then you will not legislate for a particular community, you will legislate for certain colonists residing in a certain part of the country.

(*Sir Sivaswamy Aiyer*).—*Q.*—Hindus resident in the Central Provinces ?

A.—I do not know what is meant by the Central Provinces, to-day the Central Provinces is divided into 18 districts. Supposing such a law is passed in the Central Provinces and I am under that law, and my children go and stay in the Madras Presidency, which law will they be governed by ?

(*Sir Sivaswamy Aiyer*).—*Q.*—It won't apply to them naturally.

A.—That means the personal law would change according to the residence. I cannot understand such a law.

(*Sir Tej Bahadur Sapru*).—*Q.*—You know as a matter of fact there are many Hindus who reside in one Province and have property in another Province.

A.—That has not given rise to difficulties.

Q.—Do you think the Indian Penal Code should be uniform for the whole of India ?

A.—Yes.

Q.—You say Law and Order should be a Provincial transferred subject ?

A.—Yes.

Q.—Therefore the amendment of the Penal Code would be a matter of Provincial concern ?

A.—Yes, subject to the law laid down by the Central Government.

Q.—Subject to what law ?

A.—Subject to the Penal Code and the Criminal Procedure Code.

Q.—You would allow unrestricted power to amend the Indian Penal Code ?

A.—No, because that is an All-India Code.

(Sir Muhammad Shafi).—*Q.*—Would that be your provincial autonomy, if you laid down that restriction ?

A.—Provincial autonomy in that sense does not mean that the general law should not be applicable.

(Sir Tej Bahadur Sapru).—*Q.*—I suppose you make a distinction between the power of legislation and the power of administration.

A.—Exactly, we may adopt the law from any Province for the purpose of administration.

Q.—You say in paragraph 30 :—" By a very strange interpretation of law and rules discussion on certain amendments was actually prevented." Can you explain to the Committee what are the law and the rules which were so stangely interpreted as to prevent discussion ?

A.—Yes. It was in connection with the Central Provinces University Bill, what was stated by the Governor General or by the Government of India was that since the Bill required the sanction of the Governor General, any amendments proposed to the Bill would also require the sanction of the Governor General before those amendments were placed before the House for consideration. On that ground, although a number of amendments were received, we had to postpone the meeting of the Council because that order was issued from here. And the non-official Members were told that they had no right to move any amendment because they had not obtained the sanction of the Governor General.

Q.—Will you read the opening words of section 80A (3) of the Government of India Act : " The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law " ? Therefore if those amendments had been moved and considered by the Council without previous sanction, your local Council would have been infringing the Act of Parliament, would it not ?

A.—I do not understand that sub-section to mean that it was meant to apply to amendments.

(Mr. Chairman).—*Q.*—If you bar the introduction of a bill and allow amendments of a bill to give effect to it, would not that be useless ?

Q.—You could bring your Bill in without any objectionable clauses and then begin to expand it ?

(Mr. Paranjpye).—*Q.*—The amendments could only be within the scope of the Bill ; they could not go outside ?

A.—Whether they are within the scope of the Bill or not that also has got to be sanctioned in the first instance by the Governor General.

Q.—You still think, Mr. Kelkar, that it was a very strange interpretation of the law that prevented those amendments being moved ?

A.—At least we never interpreted the law in that way, and we had allowed amendments beforehand. It was only at the time of the University Bill that the members were prevented from moving their amendments. Previously no such restriction was placed on the local council.

Q.—Now you mention one or two particular Bills. You say : " My recollection is that Mr. Mahajani's Temperance or Local Option Bill was allowed to be introduced only after he consented to drop certain provisions therefrom." This is still within your general complaint against the Government of India ?

A.—Yes.

Q.—Now would it surprise you to know that the Government of India never addressed one single word to the Local Government or to Mr. Mahajani on the subject of his Bill ?

A.—I understood there was some correspondence.

Q.—There was a one-sided correspondence, that is, from the Local Government. It was never answered by the Government of India.

A.—But I believe there was some correspondence. Mr. Mahajani complained to me that he was only allowed to introduce the Bill provided he dropped certain provisions therefrom.

Q.—If Mr. Mahajani received communications, and if as a matter of fact we assume that the Government of India sent no communication, then the communication must have gone from the Local Government ?

A.—Probably.

Q.—From your department in the Local Government ?

A.—No.

Q.—What other department of the Local Government could address Mr. Mahajani on the subject of his Temperance Bill ?

A.—The Excise Department or the Revenue Department or the Legal Department.

Q.—But would they do so without your knowledge—your fellow Ministers ?

A.—That is not what I mean. I do not say that.

Q.—Now with regard to the Municipal Bill you imply that all these requirements about previous sanction obstructed the introduction of the Bill. Would you look at the telegram there: " Sanction to Municipalities Bill despatched by letter to-day, subject, in the case of the Pilgrim tax, to the requirement of previous sanction of the Governor General in Council to the imposition of tax " ? Do you remember getting that telegram ?

A.—Yes.

Q.—Subject to the condition that the imposition of the Pilgrim Tax should require the previous sanction of the Governor General in Council, sanction was given. Do you regard that as showing that there was great obstruction on the part of the Government of India in that case ? I am talking of the Municipal Bill.

A.—If there was no obstruction on the part of the Government of India, that means the Bill was perfect in itself. Therefore the inference I draw from it is that the Provincial Governments are competent to send properly framed Bills.

Q.—You have rather gone off into a side issue. I might suggest to you that if the Bill was perfect, there was no reason why non-official members should send in a host of amendments afterwards ?

A.—Well, the amendments were within the provisions of the Bill.

Q.—We will leave the subject of legislation. In paragraph 108 you talk about a provincial law being passed to give stability to the Services. By " stability " you mean giving them a sense of security ?

A.—Yes.

Q.—Do you think the passing of an Act in the local council would really give the services any sense of security ?

A.—Yes.

Q.—Because in the next session the Bill could be altered or amended, as you suggest, without any control from overhead—it would be a purely provincial matter.

A.—But when such an Act is passed everybody will understand that it is meant to be for permanent use and not to be changed every now and then.

Q.—Nobody understands that any law is perfect. Everybody is trying to alter every law.

A.—Of course laws are liable to alteration at any moment but I don't think a law of this kind would be altered.

Q.—Passed perhaps in one session by a majority of 10 followed by a general election and a change of parties ; the majority of 10 then converted into a minority of 10. Do you think in those circumstances there will be any sense of security in the services ?

A.—I don't think that is likely to happen ; if it does, then it will not create security. There is something like continuity of administration, and the people know it.

Q.—Now you told us that dyarchy must go ; you said it cannot be mended. You have made suggestions for amending the rules to make dyarchy more bearable, but it must go by its inherent defects. By ' inherent defects ' do you mean defects that cannot be cured by minor amendments of the Act, but alterations of the rules or by a rectification of present practice ?

A.—Yes, by rectification of present practice and by minor amendments in the rules.

Q.—I say any amendment of the rules that is within the Act.

A.—But any amendment of the rules cannot put an end to dyarchy so long as the Act stands there.

Q.—By minor amendments of the Act I mean amendments that do not entirely upset the constitution as framed under the Act.

A.—That means section 52, but the other section of the Act will be kept as it is.

Q.—Oh yes, the sections that provide for the appointment of Ministers; but when I say minor amendments of the Act I mean for instance the section providing for the appointment of Ministers might make a change in the method of appointment, not abolishing the Ministers altogether. Instead of the Governor appointing the Minister, the Minister might be selected from a panel or something else. I should regard that, from my point of view, as a minor amendment.

A.—That is another matter but the Act proceeds on the supposition that there will be a distinction between reserved and transferred subjects. That is a material amendment.

Q.—That is your inherent difficulty in dyarchy ?

A.—Yes.

Q.—That there is a distinction between transferred and reserved subjects ?

A.—Yes.

Q.—Under the Act as it stands more subjects can be transferred.

A.—Yes ; but not all subjects.

Q.—And as long as there is the slightest reservation then the system laid down by this Act is unworkable ?

A.—Yes.

Q.—There will be no reservations at all ?

A.—No.

Q.—And you say there must be no control ; the remedy is full provincial self-government ?

A.—No.

Q.—Now, do you know of any constitution in which provincial Governments and provincial legislatures are free from any control from the central authority ?

A.—What is meant by control ? Financial control ?

Q.—Would you permit financial control ?

A.—Yes.

Q.—Is it not rather difficult to exercise financial control without at the same time introducing some administrative control ?

A.—That is, I do not want to have financial control.

Q.—Oh, you would abolish it ?

A.—Yes ?

Q.—I understand you would abolish all control.

A.—Control in what respect ?

Q.—Legislative control—as was pointed out just now, in the matter of certain laws the control of the Central Government would be necessary.

(*Mr. Chairman*).—*Q.*—Would you permit the Local Governments to make war on one another ? Would you permit the Central Provinces Government to make war, for instance, on the Government of Madras ?

A.—That is not what is meant by provincial autonomy. I don't think anybody has understood it to mean authority or permission for one local Government to wage war against another.

(*Mr. Chairman*).—*Q.*—I am not putting the question myself but I am trying to put to you Sir Henry Monerieff-Smith's point. You said there should be no control and he is trying to get out of you an admission whether there ought not to be some control.

A.—Of course when there is likely to be friction between two Governments and things like that.

(*Mr. Chairman*).—Just so.

(*Sir Muhammad Shafi*).—*Q.*—In matters of inter-provincial relationships you would not give the control to the central authority ?

A.—That is what is understood by provincial autonomy.

Q.—If control to this extent is possible, why do you say that dyarchy —that is to say, the majority of subjects administered by Ministers with a small reservation of subjects in the Executive Council—why is it impossible ?

A.—In the first place, may I ask which subjects can you reserve, and why is it necessary to reserve the subjects ? It all depends upon the importance of the subjects to be reserved. Nobody would like to reserve any unimportant subjects.

Q.—We are not discussing for the moment whether it is necessary to reserve or not. I am asking you why it is impossible. I read this in the

public utterances of very prominent men in India, politicians and so on—that it is almost impossible and the parrot cry is raised " Dyarchy must go ! " What I am waiting to find out from you or from anybody else for that matter, why it is impossible. What are the inherent defects ?

A.—You divide the Government into two parts. Government must be one and indivisible, which it cannot be so long as you reserve certain subjects. The members of the Government must have joint responsibility for the Government as a whole, but if you reserve certain subjects and transfer others, even if one-half or one-quarter, still the Government is divided.

Q.—Just one question with regard to legislative control, Mr. Kelkar. I do not know what you mean when you talk about free power to initiate legislation. Would you abolish the requirement of the assent of the Governor General in Council ?

A.—That is merely a formal matter.

Q.—Not by any means formal.

A.—So far as provincial legislation is concerned, and legislation which relates to the province only and which does not or which is not intended to amend any Act of the Central Legislature, I would not have the assent of the Governor General.

Q.—Then again,—the same question that Sir Muhammad Shafi put to you just now—who is going to decide whether a Bill requires the assent of the Governor General or not ? Who is going to see whether it is a matter merely of provincial concern or not ?

A.—If the Governor General's sanction is to be required simply for the purpose of seeing whether the Local Government has acted within its jurisdiction or not, then I do not see any serious objection. But if it is for any other purpose then I think it is open to objection.

(*Sir Muhammad Shafi*).—A Bill must be sent up to the Central Government in order to enable the Governor General or the Governor General in Council, whoever it may be, to see whether the Bill deals with purely local matters or covers other matters also which require the sanction of the Governor General.

A.—If it is to be sent up to the Governor General or to the Governor General in Council merely for the purpose of ascertaining that the particular Bill is within the jurisdiction of the Local Government, then I do not see any objection.

Q.—My difficulty is in getting an exact definition of the kind of bills in these cases which would require the Governor General's sanction and the kind of Bills which would not. Would you care to sit down and draft a section defining matters of purely provincial concern ?

A.—Yes.

Q.—Don't you think that some attempt has been made to give effect to your desire of purely provincial matters ? Can you show me any item in section 80 A. where sanction is required which is a matter of purely provincial concern ?

(*Sir Muhammad Shafi*).—Mr. Kelkar has already admitted in reply to a previous question that every one of the items (*a*), (*b*) and (*c*) cover more than purely local matters.

Q.—Would you do away with a provision which gives His Majesty power to disallow any Act of the Indian Legislature or any Legislature in India ? The power is there of disallowance in regard to any Legislature in India ? Would you restrict that power ?

A.—Because it is the sanction of the Crown.

Q.—Would you restrict it ?

A.—In the case of His Majesty's sanction ? I would not restrict it, because law would require the sanction of the Crown. I look at it from that point of view.

Q.—Do you think Parliament will be at all likely to pass a law which would remove the necessity for assent of the Governor General to Provincial Bills ?

(*Mr. Jinnah*).—How can he say whether Parliament would pass such a law or not ?

Q.—He knows what the Local Councils are likely to do.

(*Mr. Jinnah*).—His experience is of the Local Council and not of Parliament. He has not been a Member of Parliament.

Q.—You told Sir Tej Bahadur Sapru that you were of opinion that if in the administration of Law and Order as a Minister—that subject having become a transferred subject—you were required to take strong measures, you would get the support of the Local Council.

A.—Yes.

Q.—Can you explain to the Committee what strong measures you had in your mind ?

A.—Even shooting.

Q.—Very often, matter of shooting would not be heard by you immediately. You might hear about it a day or two after the shooting took place. You might be at headquarters. The necessity for shooting may arise somewhere else and the man on the spot decide whether shooting is necessary or not ?

A.—Yes.

Q.—I want you to tell us of some strong measure which you had in your mind in which you would take the initiative, and for which you would be entirely and directly responsible. You would be only indirectly responsible for shooting, not directly.

A.—You mean what strong measures a Minister would take in order to prevent the breach of the peace ?

Q.—Have you any strong measures in your mind ?

A.—Well, legislative measures may be necessary ; administrative measures may be necessary.

Q.—Now, suppose the situation was so bad in your province that you as a Minister decided that the ordinary law was not sufficient to maintain or restore order. That is conceivable. Suppose you found yourself under the necessity of introducing what is generally referred to as a repressive law. Do you think your Council would be with you ?

A.—Yes ; if the responsibility of maintaining law and order is thrown on them, then certainly.

Q.—The responsibility is thrown on them now when the Government brings in a measure and says, " You are responsible for this ; you may throw it out or pass it."

A.—That is not what I understand by the word ' responsibility '. It is purely a Government measure—a Government which is not responsible to the people.

Q.—Responsibility is a sort of catch word.

A.—It may or it may not be. But that is what I understand by the word ' responsibility '. That is, a measure brought by a Government which is responsible to the people.

Q.—But if at the present moment, what I refer to as a repressive measure is put before the Council, the Council say : " We have no responsibility for law and order ; we won't pass it." ?

A.—No, that is not how they put it.

Q.—What then ?

A.—What they say is that such a measure is not necessary.

Q.—Because it is introduced by Government. If it were introduced by a Minister, the Council will recognise it. Is that so ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Just one moment. I don't want to have any mistake about this question of provincial autonomy. Will you look at Rule 49 of the Devolution Rules ? Rule 49 refers to superintendence, direction and control. Do you agree that that should be the limit of the control of the Central Government or would you think that the limit should be more than that ?

A.—Here a distinction is made between transferred and reserved subjects.

(*Mr. Chairman*).—*Q.*—I assume that that limitation would apply to all subjects ?

A.—This rule deals with transferred subjects.

Q.—I am suggesting that for the words " transferred subjects " you should read the words " all subjects ".

(*Mr. Jinnah*).—*Q.*—The question is, supposing that all subjects were transferred, would you agree to the limitation of control of the Central Government as provided by Rule 49 ?

(*Mr. Chairman*).—*Q.*—Would you accept that amount of limitation ?

A.—Will you kindly give me two or three minutes to think about it ?

(*Mr. Chairman*).—There is no difficulty in the matter. It is the exact control which the Government of India at present have over transferred subjects.

(*Mr. Jinnah*).—*Q.*—Do you accept the principle of Rule 49 ?

(The Chairman did not press the question.)

Maharaja of Burdwan.—I understood from you on Saturday that you were a Minister in the Central Provinces Government with regard to Local Self-Government, Public Works, Public Health including Medical Relief, and Education. Am I correct ?

A.—Yes.

Q.—I also understood that before the introduction of the new reforms scheme, you were returned twice to your Local Legislative Council and that once you were returned by the Landlord or Landholders' constituency ?

A.—Yes.

Q.—At the time when you were returned by the Landholders' constituency, did you represent correctly the views of your constituency when you were a Member of the Legislative Council ?

A.—Yes, I did.

Q.—Then, when you came in again under the reforms, what made you leave that constituency ?

A.—Because that constituency was no longer in existence, and secondly, unfortunately, I was not a landholder in possession of property paying land revenue of Rs. 3,000 a year or over.

Q.—Am I to understand, then, that before the reforms, the Landholders' constituency money qualification was lower than the money qualification now ?

A.—Yes.

Q.—Supposing now you had a Landholders' constituency in your province with the same money qualifications that existed before the reforms, would you have chosen that constituency in preference to any other constituency in your province ?

A.—I would have given preference to a general constituency. But if I wanted to get into the Council anyhow, then probably I would have gone for a special constituency, but I have no love for a special constituency.

Q.—I quite understand that. What I am driving at is this. Supposing you had the qualifications which unfortunately you do not possess (*Mr. Jinnah.*—"Fortunately.")—at the present moment in the Landholders' constituency, would you still have any inclination to go through a general electorate into the Legislative Council rather than through a special constituency like the Landholders' constituency ?

A.—I would like to go into the Council through a general electorate and not through a special electorate.

Q.—That was the point I was driving at, not the point that Mr. Jinnah thought I was driving at. Your inclination would be to go into the Council through a general constituency, the reason being not because whether you possess the necessary money qualification or not, but because of your dislike for any special constituency ?

A.—Yes. They are undemocratic.

Q.—That being so, you would not prefer any special constituency—it does not matter whether you were a Muhammadan or anybody else. Supposing that for political reasons it was necessary to have special constituencies which you would refer to as communal representation on the Council, or in other words, protection of minorities. Would you, so long as policy probably necessitated special constituencies, allow other minorities to have special representation like the Muhammadans ?

A.—Well, I think, I have sufficiently answered this question in answer to other questions put.

Q.—No, you have not. What I say is that you have answered questions regarding the Muhammadan special representation because every member of the Committee has questioned on the Hindu and Muhammadan basis. My question is more a question of the protection of minorities. Whether it is creditable to a particular minority to have protection or not is a matter with which we are not concerned to-day.

What I say is that when you have to accept a policy, not a principle, of giving protection to a class or community, whether it be Muhammadan, or Jain or anybody else, when you once accept that policy, would you go further and accept for the sake of policy giving special protection to minorities ? It does not matter whether they are landlords, or whether they are Muhammadans, or anything else.

A.—Well, in the first place I won't accept that policy at all.

Q.—It is not a question of you, Rao Bahadur, accepting the policy. But the question is whether it would be expedient for the country to accept that policy. In other words, for instance, if what you call your ideas of prophecy were falsified, supposing that there was no Muhammadan electorate in your province and the result was that there was no Muhammadan returned and, in consequence, the Local Government had to appoint a certain number of Muhammadans to adjust the equilibrium and in practice it became that communal representation was necessary, what I want to get at is that if in practice in your own province communal representation became necessary, would you then agree to other communities or minorities getting special protection. The reason I ask you this question is that on the first day, I think you got rather excited and said you would not give this privilege even to the Mahratta Brahmins ?

A.—Yes, I did say that I would not give it even to Mahratta Brahmins.

Q.—Supposing in your own province that the Mahratta Brahmins like the Muhammadans were in that position where without special representation they would not get themselves heard in your Council, and supposing for the sake of expediency the Muhammadans were given special seats, would you then extend that privilege to the Mahratta Brahmin or not ?

A.—That assumes a good many things. I won't give it to any.

Q.—If you accepted a compromise with regard to one community, would you not have it for the Mahratta Brahmin also ?

A.—I cannot answer this question until we know the circumstances in which I shall be required to consent to the compromise.

(*Sir Muhammad Shafi*).—*Q.*—In that connection, may I ask you, if you had to recognise communal representation, would you confine it to the main communities, or extend it to the minor sub-divisions of each community ?

(*Mr. Chairman*).—I think the witness has said very frankly that he won't give communal representation to any community in any shape or form.

Q.—If for reasons of policy of expediency you give to the Muhammadans special representation would you still deprive the Mahratta Brahmins, the great landholders, the Buddhists, or whatever else may be the minority community in your province which now gets special representation—would you deprive them all of that privilege and give it to the Muhammadans only ?

A.—If you concede it in one case, can you logically refuse to concede it in other cases, is that the question ? I think I have answered that

question. I again repeat the answer that I have given, that if you concede in one case you cannot refuse to concede it in other cases. That is the poison I am seeing in it, and it is spreading to other communities.

Q.—In your opinion you think that so long as concession has to be a policy that concession cannot stop at A but may go on to Z ?

A.—It cannot stop at A.

Q.—What I wanted to drive at is this. So long as you have got to swallow what is to you a bitter pill of giving communal representation to a particular class or race, so long you would not be able to stop other minorities getting communal representation or special electorates ?

A.—No. We cannot stop it logically.

Q.—When you became a Minister of your province what was the ratio of official to non-official Chairman of local bodies in your province ?

A.—You mean the District Councils or Municipalities.

Q.—What we call District Boards, Municipalities ?

A.—I think that we have in a very large majority of cases non-officials as Chairmen.

Q.—But since you left has the rule been changed ? Is it rather the rule to have non-official Chairmen and an exception to have official Chairman ? I want to know what is the actual practice in your province.

A.—In actual practice in a very large majority of cases we have non-official Chairmen.

Q.—In other words, you have not got to that stage of having non-official Chairmen in every place with the exception of one or two places only maintaining official Chairmen ? You have not got to that stage ?

A.—We have got to that stage. We have got non-official Chairmen almost everywhere.

Q.—That is why I am asking you about. What is the ratio ?

A.—I could not give you.

Q.—Supposing there were 100 district councils.....

A.—There are 22 district councils, and out of them.....

Q.—Out of them how many have non-official Chairmen ?

A.—In almost every district council I believe there is a non-official Chairman. If you will give me the last report on the working of the Local Self-Government Act in the Central Provinces. I shall give you the exact detail. I am now only speaking from memory.

Q.—What I want to ask you is this. Before in the province of Bengal the district boards which were permitted to elect their own Chairmen invariably had Official Chairmen. There is a general opinion held by certain classes of officials as well as non-officials that not only has the efficiency of the district Council been impaired, by the appointment of a non-official Chairman, but that non official Chairman would not be able to have the same facilities as a district officer had when he was Chairman of the District council. I want to know whether you have found that in practice to be the case ?

A.—That is, that a non-official Chairman has not got the same facilities as an official Chairman ? Well, he may not have the same facilities, but they are working satisfactorily.

Q.—I mean to say whether this complaint has been general in your province too, or rather a sort of plea against changing.....

A.—I may tell you at once that in 1920 the Local Self-Government Act was amended and one of the provisions in the Central Provinces. Local Self-Government Act is that no official should be a member of a local council. Consequently, no official can be a Chairman of the district council.

Q.—In that sense your Local Self-Government Act goes further than that of some of the major provinces. What I want to find out is whether that change has brought in any difference in your district administration, in the administration of the local bodies ?

A.—No.

Q.—Has that change been appreciated by the people in general ?

A.—Yes.

Q.—Has efficiency been maintained ? Has there been any falling off in the efficiency ?

A.—No.

Q.—I should like to ask you this question. Supposing you had the same powers as a Member of Council has on the reserved side, that is to say, you were consulted in matters relating to reserved subjects, would you be willing to give that power to a Member of Council regarding the transferred subjects ? I am only talking purely as an administrative measure. I am only talking purely of the administrative unit or Cabinet as it is called. The two Ministers we have had up to now have both come from the Central Provinces, and there seems not purely a sentimental objection, but a real grievance as to the way in which they had been treated, namely, as if the Members of Council were Gods and the Ministers were merely advisers. Do you think that it would improve matters if Members of Council and Ministers were not in the watertight compartments that they are in at the present moment, but that so far as the Cabinet is concerned, it was always working as a whole and not by calling of joint meetings—I do not want any Minister to think that he can only call for a joint meeting because he wants to have one—but supposing that the Cabinet was always considered as a whole, then the Ministers would be far better regarding their position than they are at present ?

A.—In what respect ? In some respects they may be happier.

Q.—If the Governor had only one Cabinet, that is to say, whenever there had to be a joint meeting it was always a meeting of members and Ministers, if that was made the absolute rule, which would give opportunities to both members and Ministers to see each others papers when a matter came up before the Cabinet, do you think the Ministers would be happier ?

A.—Not altogether, unless I know what the Ministers are to do there, would they vote or merely have a vote ?

Q.—They will have a vote in the Cabinet (The Chairman : On reserved subject ?) I will come to that afterwards. What I meant

to say was that although they would not be responsible to the legislative council they would feel that they had a vote in the Cabinet.

A.—A vote in the cabinet ; and the vote would be acted upon.

Q.—It would be binding if it was a whole Cabinet no doubt ?

A.—A binding vote—

(Mr. Chairman : Is it your question Maharaja that all members of either side of the Government should be present at Cabinet meetings and Ministers and members should vote alike ? The Maharaja of Burdwan. Yes.)

A.—Then I take it that there would be a joint cabinet.

Q.—There would be one cabinet ?

A.—One cabinet without any distinction of Ministers and members and all subjects or all matters of policy dealing with different subjects would be placed before the cabinet for discussion and decision ; then the Ministers would have a right of vote and that vote would be binding. You ask whether under those circumstances the Ministers would be happier. Well comparatively they would be happier. But I must know something more before I can say if they would be constitutionally happier.

Q.—Supposing that were so, even then do you think it would be possible to have in the legislative council still the two departments, reserved and transferred in this sense that the legislative council's vote on the transferred subject would be binding on the Governor with the exception of those cases in which he could use the power of veto and certification and in the other cases it would not be binding on the Government, but the existing practice would continue ?

A.—That means you practically nullify the votes which the Ministers have given in the cabinet and therefore the Minister's position would not be happier.

Q.—What I wanted to find out was would the Minister be personally happy if he had the full power of vote in the Cabinet. It does not matter whether he was responsible to the legislative council for the department or not.

A.—But the Minister is not there to satisfy his own personal vanities.

Q.—The question of personal vanity does not arise. Do you think the distrust would be less, because there seems to be a certain amount of sensitiveness which the Minister feels that he is only called upon to a joint meeting when it suits the Governor or the policy of the reserved side ? Supposing now the Governor were to trust his Minister as to have invariably one joint meeting of the cabinet, would it improve the position of the Ministers if afterwards when they came up in the legislative council the present restriction of reserved and transferred remained ?

A.—In some cases it might improve, in other cases it might also make the position of the Ministers worse ; if especially the Governor over-rules the Ministers' votes or afterwards over-rules the decision of the council, in such cases the Ministers position would be much worse. There would be cause for greater resentment. The Ministers would then say ' Look here, we gave a vote, we represented the popular view before the Governor and the Governor has vetoed it.''

Q.—That being the case, would you, before you think of abolishing dyarchy, make it a dire dyarchy ? In other words would you make it absolutely water-tight dyarchy in this sense that the Ministers would not be called on to any joint meeting in regard to the reserved departments. The cleavage which now exists under a particular rule of the Government of India Act will be more marked. In other words there will be no joint meetings.

A.—No, I would not recommend that.

Q.—What I am driving at is, you want to abolish dyarchy without giving it a fair trial. In my opinion dyarchy has not been given a fair trial under the new constitution, whether I like it or not. The Government of India Act has been faulty in that it has provided that wherever possible the two halves of Government should meet. You give a thing on one hand and you say you can't have it on the other. That means dyarchy has not had a fair trial. Would you like dyarchy to have a trial in the sense that dyarchy is understood to be pure and simple dyarchy before you condemn it. It has never been tried in any provincial government ?

Q.—Then from your question I understand that the word dyarchy is understood differently. What is the general sense in which the word dyarchy is understood ? I have got two meanings with me, one distinction between Reserved and Transferred halves of Government, and the second is power over the Ministers of the Governor to over-rule. If you were considered to be a member of council in charge of a transferred department, and so far as that transferred department is concerned the power of the legislative council was absolute, would you consider your position better than at present ?

A.—How can it be considered better I cannot conceive ? The joint purse is there.

Q.—The question of joint purse does not arise ?

A.—The success of every scheme depends on money. If you have got no money, there is no use talking about anything.

Q.—Supposing you have a separate purse, would you still condemn dyarchy ?

A.—I would still condemn dyarchy, because it is very undesirable to have water tight compartments. Government must be responsible for the whole administration,

Q.—Under the present scheme nothing makes the Governor responsible. That is where the difference lies, under the present scheme it makes the Governor responsible for the two halves of the Government ?

A.—Are you prepared to do away with the Governor altogether ?

Q.—I am asking you whether you would like to give dyarchy a trial if the Governor is made responsible for the two halves distinctly ?

A.—I do not think it will work. It would be unwise to divide the Governor into two parts. You are practically dissecting the Governor into two parts.

Q.—You want to abolish dyarchy without any further trial.

A.—What I say is we have had sufficient trial.

Q.—I do not think you have had sufficient trial. I do not think dyarchy and what is meant by dyarchy has been understood. The sentimental objection has been that in a whole cabinet part of it should be under the control of the legislative council and part under the control of Government. So far as the ministers are concerned, they have had joint meetings, but they have had no power of voting. Therefore dyarchy as enunciated in the Government of India Act must go.

A.—That is not the point.

Q.—Not dyarchy as understood theoretically, but dyarchy as is meant to be ?

A.—It comes to this then that under dyarchy as we understand it, the position of the ministers had become awkward and under your scheme you want to make the position of the Governor absolute.

Q.—Yes.

A.—If the Governor is prepared for it you must consult him.

Q.—I am asking you what you think of it as a minister. There is no Governor here to give evidence.

A.—I do not think any Governor will agree, but I am not in the confidence of Governors.

Q.—I am asking you what you think about it as a minister ?

A.—As a Minister and with my practical experience, I can say that no governor would agree.

Q.—What is your own view, as a Minister ?

A.—The Ministers also would not agree.

Q.—Why ?

A.—For this reason that you are dividing the administration into two parts. My main point is that the Government must be an indivisible one.

Q.—Now a great deal has been said about memorandum to standing committees. When a standing committee, is called by the Minister or member as the case may be, a general memorandum of the case is given. Do you want that members of the standing committee should be shown all the papers ?

A.—They must know the reasons.

Q.—Do you think that you will be able to carry through your policy in the legislative council if further papers or more details were shown to the members of the standing committee ?

A.—Yes in some cases it will have that effect, if they know all the opinions, for instance ; not the secretariat note.

Q.—What other papers do you possess except Secretariat notes ?

A.—Several papers. For instance, in the case of a legislative or other measure we collect the opinions from the different officers.

Q.—Do you think if you did that that the standing committee of a department would be able to persuade the legislative council to support schemes that may have been budgetted for or likely to be budgetted for ?

A.—What I mean is that the members of the standing committee should not be regarded as mere outsiders and should not be called upon to vote on any particular matter without giving them full opportunities to know all the facts and the grounds on which a particular measure is based.

Q.—What other material do you think should be supplied to the standing committee other than the memorandum ?

A.—If that is done invariably....

Q.—I am asking you a concrete question. Would you ask your Secretary to send the main file of your department ?

A.—No, no ; not the main file. Papers might be lost or stolen. I do not mean that.

Q.—What do you exactly want ?

A.—If a memorandum is sent containing all the facts and the grounds on which any particular measure is based, that will serve my purpose.

Q.—Is not that a difficulty that the Minister or Member can himself rectify ?

A.—He can rectify it. The Member can rectify it with the consent of the Governor. There were however certain difficulties and we were told that certain papers should not be shown to members and not even the contents of those papers should be disclosed to them.

Q.—Did you in actual practice find in the Legislative Council any inclination on the part of the members of the Standing Committees to utilise information of a confidential nature that they were given in Standing Committees ?

A.—Not always. If they wanted to know all the facts and the reasons ....

Q.—It is not a question of their wanting to know the facts. What I want to know is whether, after knowing certain facts, they did try to adduce some further information in the Legislative Council ?

A.—Not generally.

Q.—There has been a great deal said about the joint consultation of the Governor with his Ministers. Do you think that the transferred departments, as they are now constituted, require such a consultation ? I can conceive of a case when you are going to have a bill, say, for public health which will affect your other colleague's work as well. But ordinarily do you think that the same practice which exists on the Executive half of the Government would improve the administration on the transferred side if it were followed ?

A.—Certainly.

Q.—In what way ?

A.—We do require consultations with regard to various matters. For instance, education.

Q.—If that be so, do you think that the Governor should hold not only a joint meeting of the whole Cabinet but also a joint meeting of the transferred side ? Would you like that to be made a rule ?

A.—Yes ; if the distinction between the reserved and the transferred side is to be kept.

Q.—According to the present constitution it has got to be kept unless the constitution is changed. So long as the present constitution continues, do you think, that it would be advantageous to the Ministers themselves to have regular joint meetings of the transferred side, not simply joint meetings of the transferred and reserved side together ?

A.—It would be an improvement to a certain extent.

Q.—Would you like that to be made a rule ?

A.—Yes.

Q.—Would you like that to be left to the discretion of the Governor or would you like it to be laid down in the rules ?

A.—It must be laid down in the rules.

Q.—You have said that there is a certain amount of complaint as to the postings. I suppose in your province postings are made by the Governor direct, known as Schedule I appointments. Supposing a District Magistrate is transferred from Nagpur to some other place. What would be your particular desire to have the privilege that you should be consulted over that posting ?

A.—The District Magistrate, in the first place, is not under the control of the Minister.

Q.—I know that. What I want to get at is that when you were complaining were you complaining only of appointments relating to transferred side or were you complaining of all the appointments made by the Governor direct ?

A.—I have principally confined myself only to the transferred side.

Q.—Did you also complain of appointments relating to the reserved side ?

A.—No, I did not complain about them.

Q.—Supposing the Governor had made appointments relating to the reserved side and did not consult the Minister as he does now, do you think that is a bad practice at all ?

A.—It may be a bad practice. For instance, as a Minister I want to establish village panchayat in a certain district, then I should certainly like to post to that district a revenue officer who is in sympathy with that institution.

Q.—In other words, as a Minister you would like to have a say so far as the postings of officers are concerned simply because his posting may have an effect on some policy of the Minister in a particular area ?

A.—Yes, that particular officer has to deal with that particular subject.

Q.—Now I come to your recommendations as to Honours. Did not your Governor write to you periodically before his Honours were recommended to the Government of India as to whether you had any recommendations to make relating to your department ?

A.—No. It was only for the first time that I read the names in the papers.

Q.—May I understand then that in the Central Provinces the policy has been for the Governor never to consult his Ministers as to whether his Ministers wanted any decorations given to certain people in their own departments or not ?

A.—It has not been done.

Q.—I am surprised at that statement. I understand that is not the practice in other provinces. Do you mean to say further that not only did the Governor not consult his Ministers but that he went further and consulted his Secretaries and asked them—supposing it was the Secretary in charge of the Municipal Department—whether there were any officials in the Municipal Department who should be honoured and that the Secretary sent up his recommendation without even consulting the Minister and without even showing the letter of the Governor or the Chief Secretary to the Minister.

A.—Such a letter was never shown to me.

(*Mr. Chairman*).—*Q.*—Do you know that any such letters were written on behalf of your department by any of your Secretaries and that they were not shown to you ?

A.—I do not think Secretaries have got anything to do with it. What I understand the practice is that these recommendations are sent directly to the Governor by the heads of the departments or the Commissioners of the Divisions.

Q.—What I want to get at is that the Chief Secretary or the Private Secretary as the case may be, writes to the heads of the departments and finds out whether there are any recommendations from their departments. What I want to know is that, when the departments under you send up these recommendations, do they consult you about them ?

A.—No, they have never consulted me about them.

Q.—And you personally as a Minister were never consulted and never asked to send any recommendations for any officers ?

A.—No.

Q.—You made day before yesterday a most surprising statement, namely, that the Ministers' functions are purely advisory and that the responsibility was not in any way real. Please correct me if I am making a mistake. Do you mean to say that in all these measures that you passed during the three years that you were a Minister, all those Bills were not your Bills ?

A.—They were my Bills.

Q.—Did you not have any responsibility for them ?

A.—Yes, I had responsibility.

Q.—Then what do you mean by the expression that the Ministers' functions were purely advisory ? If the Governor had not accepted your advice, would those Bills have been passed ?

A.—I could not probably introduce those Bills.

Q.—In that case the Governor did accept your advice ?

A.—Yes, he accepted my advice.

Q.—That being so, is it not rather a sweeping assertion to make that the Ministers are mere advisers and that their functions are not real ?

A.—I don't think it is a sweeping assertion. It is a strictly logical and legal assertion to make having regard to the provisions contained in the Government of India Act.

Q.—What I mean to say is that if you say that the Ministers' powers are really imaginary....

A.—I did not say imaginary.

Q.—If the Minister's responsibility was not real, how was it possible for him to take responsibility of a particular measure in the Legislative Council if that responsibility is not real ?

A.—I can take responsibility for giving advice.

Q.—It is not a question of giving advice. The responsibility must be real, otherwise how could you introduce a legislative measure ?

A.—I introduced the legislative measures with the consent or under the orders of the Governor.

Q.—Did you introduce a legislative measure under the orders of the Governor or did you introduce it because you thought that it was necessary for your province ?

A.—Because I thought that a legislative measure was necessary.

Q.—A little while ago you said that you never considered the Governor's notes as orders but mere suggestions. You have just now been saying that you introduced legislative measures under the orders of the Governor ?

A.—I am afraid my answer was not properly understood by some members of the Committee. When I said that I regarded certain suggestions or certain notes of the Governor as mere suggestions I was dealing with a question which was put to me in regard to certain administrative matters, which the Governor did not wish to dispose of himself but he left it to me entirely to decide after taking into consideration certain observations made by him.

Q.—What I am driving at is this. It is rather contradictory in terms for a Minister to assert that his powers are purely advisory and not at all real when that very Minister can, if he gets his Governor's consent and the consent of his Government, introduce measures and have them passed.

A.—I don't think it is contradictory in terms. But in order to satisfy you I may say that it is a qualified responsibility.

Q.—It is not a question of satisfying me. I want to know what is your view. When you make an assertion that you have got no real power or responsibility, I think you yourself would qualify it if I were to point out to you that there is a certain amount of responsibility which is very real. It may not be sufficient, it may not be the same as a Member of Council has, but to say that you have no responsibility is rather a sweeping assertion ?

A.—I have never said that there is no responsibility.

Q.—I think in reply to some Member's question you did say that your functions are purely advisory and not real. I took down your very words when you expressed them.

A.—I said that the Minister's duties were advisory.

Q.—Will you still stick to that view seeing that you are able to pass great many measures of legislative importance in your Council ?

A.—I still say that.

Q.—Then how were you able to pass those responsible measures in your Council ?

A.—I introduced them. What I said was that all these things were subject to the ultimate sanction of the Governor and that is not, what I understand to be a real responsibility. Therefore, I said that I am prepared to say that it is a qualified responsibility.

(*Dr. Paranjpye*).—*Q.*—The heads of departments often send over many proposals which are accepted by the Governor and the Minister. Would you say that the heads of departments are responsible for the things that have been sanctioned ?

A.—In the sense in which you put it to me they may be responsible ; but the ultimate responsibility is not theirs.

Q.—I should like to ask you a question about Law and Order. Supposing Law and Order was a transferred subject, and you as a Minister had to clap into jail several political prisoners under Regulation III, and a Resolution came on in your Council saying that all political prisoners should be released, would you still, as you asserted a little while ago, be able to carry the Council with you ?

(*Sir Tej Bahadur Sapru*).—That relies on the fact that there would still be a Regulation III.

Q.—We are considering things as they are at present and not a general pandemonium that might follow if all Regulations were abolished.

A.—My reply to that question is that if as a Minister in charge of Law and Order, I make use of Regulation III, then I shall make use of that Regulation with a full sense of responsibility and a full knowledge, and belief that I shall be backed by the Council, otherwise I shall not.

(*Mr. Chairman*).—*Q.*—You will not make use of it until you have ascertained from the Council that you should ?

A.—I shall know the feelings of the Council before if I go there as a Minister.

Q.—What I am driving at is this, is the opposition to these laws being introduced or put into practice because the country at large have not got the responsibility, or is it because it is the action of the executive government ? I am asking that because there must always be an executive government, whether it is government by the people or by a foreign power or anything else.

A.—The question, as I understand it is, are these agitations against the application of repressive laws due to the fact that the people of this country are irresponsible, or is it due to the fact that the law is made applicable by the executive government ?

Q.—No, what I said is this, do the people resent the Regulation because the Regulation is not of a responsible government by the people or would the people go on resenting any executive action by Government ? In other words does the country at large want that the legislative rather than the executive should be the final authority in the country ?

A.—No, what they want is that the executive should be subject to the control of the legislative authority.

Q.—In everything ?

A.—Yes, and if it is so, then they presume the Executive would not go wrong.

Q.—I am asking that because a very responsible member of what is known as the Swaraj party made the most surprising statement in the Bengal Legislative Council last March that one of his complaints was that he could not dismiss a police officer. I did not know that any legislature in the world wanted the power to dismiss individuals. That is why I was asking the question. You said when you over-ruled certain departmental orders, you got demi-officials and you said fortunately they were from European officials. Why did you say fortunately ?

A.—Well, if I had received similar demi-officials from Indians then probably they would have said that these Indian Ministers do not know how to maintain discipline. I did not encourage that kind of thing.

(*Mr. Chairman*).—*Q.*—Would you mind repeating that ?

A.—He asked me to say why I said fortunate. What I meant was if similar demi-officials had been sent to me by Indian subordinates, probably they would have suffered. Very severe measures would have been taken against them ; that is what I mean.

Q.—Supposing you had over-ruled your Secretary ? I am sure on these departmental facts you do not over-rule a tahsildar or somebody very low in rank. In a departmental file, if you disagree, you disagree with the Secretary or whoever he may be. Supposing you had over-ruled A. who happened to be a European and he had protested against your order, that it was not correct and therefore took his case up to the Governor. Supposing, instead of A. it was Khan Bahadur Abdul Karim, would you have considered yourself to be fortunate because the Secretary happened to be a Khan Bahadur and was an Indian ? I cannot quite follow.

A.—What I meant by fortunately was that in these acts in administrative disciplinary matters the Indians were not responsible.

Q.—I am at a loss to understand what you mean by fortunate ; however I will not press it as the Chairman does not wish it.

The Chairman having stated that the Committee was much obliged to the witness for giving his evidence, the Committee adjourned at 2-10 P.M., till Wednesday the 13th August, 10-30 A.M.

Wednesday, the 13th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. Gokaran Nath Misra, and Mr. Hirdaya Nath Kunzru on behalf of the United Provinces Liberal Association, Allahabad.

EXAMINED BY THE CHAIRMAN.

Q.—You desire to give evidence in public ?

A.—Yes.

Q.—You desire to give evidence on behalf of the United Provinces Liberal Association ?

A.—Yes.

Q.—Would you tell me what connection you have with the Association ?

A.—My name is Gokaran Nath Misra. I am the Vice-President of the United Provinces Liberal Association, and have been connected with it almost ever since it was started.

Q.—And your colleague ?

A.—(By 2nd witness) : My name is Hirdaya Nath Kunzru. I am a member of the Association. I was at one time Secretary of the Provincial Liberal Association and have been a member of the Association—I mean, of the Party and of the Association ever since it was started.

Q.—You are empowered by your Association to give evidence ?

A.—(By 1st witness) : Yes.

Q.—Will you tell the Committee something about your Association ?

A.—This Association has its headquarters at Allahabad. It has got more than a dozen branches in the United Provinces and on its rolls, it has members between 300 and 400.

Q.—Have you got any constitution ? Are you registered as an Association ?

A.—No, we are not registered as an Association because under the Societies Registration Act Political Associations cannot be registered.

Q.—Could you not be registered as a company ?

A.—No, we do not carry on any business.

Q.—You are not as a fact registered ?

A.—No.

Q.—Do you keep a register of members ?

A.—Yes, we do.

Q.—Do you have a paid Secretary ?

A.—No we have an honorary Secretary.

Q.—Now what is your constitution—who is the governing body ?

A.—Our constitution is that we have got a President, several Vice-Presidents, two Secretaries and then we have got an Executive Committee, and besides that we have got a Working Committee consisting of a separate Chairman altogether and members who carry on the work.

Q.—Who is your President ?

A.—Sir Tej Bahadur Sapru.

Q.—You said you had about a dozen branches—in what places ?

A.—We have got our branches at Allahabad, Lucknow, Benares, Cawnpore, Farrukhabad, Mirzapore, Agra, Sitapur, Bareilly, Aligarh, Fyzabad—that brings it to 11.

Q.—You have got about 30 members in each branch, or are they mainly at Allahabad ?

A.—(By 2nd witness) : When my friend said we had between 300 and 400 members, he meant in the central institution, not the branches.

Q.—How many have you in the branches ? Roughly ?

A.—Lucknow has got about 50 members, and roughly on an average about 30 members in the other branches.

Q.—What would the total membership of your Association be, roughly ?

A.—From 400 to 500.

Q.—Then I presume you have considerable party funds ?

A.—Yes, we have.

Q.—And you are a powerful organisation politically ?

A.—Yes, quite.

Q.—When was the Association founded ?

A.—In 1918.

Q.—It came into existence about the same time as the Reforms ?

A.—Yes.

Q.—I suppose you select candidates and put them forward for constituencies ?

A.—Certainly.

Q.—How many did you put forward in the 1920 elections ?

A.—We put forward between 30 to 40 candidates.

Q.—They stood as members of your Association ?

A.—Some of them who were not members of the Association were members of the Liberal Party and stood as such.

Q.—Did you run these candidates as a sort of political association, or were they simply members of your Association ? Did you assist them financially ?

A.—We did. We have not got such large funds in our control from which we could meet their election expenses ; but we assisted them in this way—prepared certain pamphlets, printed them and handed them over to them for being circulated in their constituencies and several of us went round addressing public meeting on their behalf.

Q.—How many of those candidates were successful ?

A.—I should say between 20 and 25.

Q.—Then when the last election came on, you did the same thing—only rather more ?

A.—Well, practically the same number.

Q.—How many meetings were addressed on their behalf by your Association ?

A.—If you take all the meetings held in the various constituencies and addressed by the members themselves, they would come to 100—150 meetings.

Q.—How many meetings did you organise on behalf of the candidates yourselves ?

A.—That number includes the number organised by the candidates themselves.

Q.—How many apart from that did your Association organise ?

A.—I should say between 20 to 25.

Q.—And how many candidates did you put forward in this election ?

A.—About 30 or 35. We fared rather badly. We got through only about 12 to 15.

Q.—Then your voting strength in the Councils may be regarded as a majority of 12 or 15 constituencies ?

A.—Yes.

Q.—You probably carried on a more intensive campaign this time ?

A.—We did.

Q.—Did you meet with very great opposition ?

A.—Yes, from the hands of the Swarajists. They were well organised. There was some opposition on behalf of the landholders too, because when the Oudh Rent Bill was before the last Council, we took the side of the tenants.

Q.—It was not popular ?

A.—Not popular with the landlords.

Q.—Not popular in the constituencies ? Do you put your defeat down to that or was it one of the factors that operated ?

A.—It was one of the factors that operated.

Q.—Now you have got your Association's Memorandum before you. I notice that you say in paragraph 5 of that Memorandum that " there is nothing more striking in the recent political history of India than the influence which the educated or political classes have acquired with the mass of the people." What has been the most striking public manifestation of this influence recently ?

A.—A striking manifestation is that the views which were advocated by the educated people are exactly the views which are held by the masses. They began to feel and they began to think in exactly the same way as the educated people.

Q.—Would you consider the Non-co-operation movement as due to the influence of the intellectual classes ?

A.—Yes, to some extent it was.

Q.—Would that be the most striking manifestation ?

A.—It would be.

Q.—That is what you refer to when you say in the next paragraph " All the symptoms of this new development may not always have been healthy " ?

A.—Yes, that is what is meant.

Q.—And you yourself have been combating that ?

A.—We have been.

A.—(By 2nd witness) : Only some aspects of it—not all.

Q.—Then you are in favour of certain aspects of the Non-co-operation movement ?

A.—(By 2nd witness) : Most undoubtedly.

Q.—You say in paragraph 8, dealing with the Hindu-Moslem situation, that efforts were being constantly made by leaders of both communities to improve the relations between them. Looking back over the last 20 years would you say you have been successful ?

A.—I think if the efforts had not been made, probably the tension would have been greater.

Q.—You think the tension is greater now than it was 20 years ago ?

A.—I won't say that, but I find it is greater than what it was in 1916.

Q.—There is a distinct increase in tension ?

A.—There is.

Q.—(To 2nd witness) : You would like to add something ?

A.—I would like to say that the degree to which two communities like the Hindus and Moslems come together can be judged only if we look back over a number of years. For the present it may seem as if there was greater tension than say in 1920 or 1921.

Q.—Your colleague said 1916 ?

A.—1916 was the year in which the *rapprochement* between the Congress and the Moslem League took place and therefore obviously the two communities could keep together to some extent—there would be absolutely no friction. Naturally they would not always keep together to the same extent.

Q.—That was not the question I asked ?

A.—But if you consider these relations since 1913, when the Moslem League adopted Self-Government as its objective, Hindus and Moslems would come together far more than they did before that year.

Q.—(To 1st witness) : You say in paragraph 9 of your Memorandum that the Association is aware that in certain quarters the view is held that the electorates in this country are not prepared to bear the full burden of responsibility and that their schooling into responsibility will have of necessity to be a somewhat slow process." You disagree with that view ?

A.—We entirely disagree.

Q.—You consider that the electorate is as fit for political power as the English electorate was at the passing of the Reform Act of 1832 ?

A.—That is our view, yes.

Q.—The electorate as at present constituted has exercised its functions on only two occasions ?

A.—Yes.

Q.—Are you aware on how many occasions before the passing of the Reform Act the English electorate had exercised these functions ?

A.—They exercised it a number of times.

Q.—Would it surprise you to learn that the main franchise in England started in the reign of Edward III, was given statutory force in 1434 and remained unchanged till 1832 ?

A.—History tells us there were rotten boroughs.

Q.—Are you aware that the main franchise was in existence in England in 1434 ?

A.—We are fully aware of that.

Q.—And probably during the period between 1434 and the passing of the Reform Act in 1832, there would have been a good many general elections ?

A.—There were, no doubt.

Q.—You propose in a later part of your statement to widen the franchise. Now the English country franchise was not materially altered during some 400 years, as we have seen ?

A.—That is so.

Q.—You suggest an alteration of the franchise after two elections ?

A.—The world is progressing, and we cannot take our lessons from the England of 400 years ago.

Q.—I am not suggesting that. I did not raise the analogy of England. It is raised in the memorandum ?

A.—Yes, the analogy is raised in the memorandum.

Q.—You say that the electorate should be widened. How would you widen it ? By lowering the franchise ?

A.—Certainly.

Q.—Do you think that that would add a more intelligent element to the electorate ?

A.—The state of intelligence will be exactly the same. For instance, a tenant, who holds at present land and pays Rs. 50 as rent, is qualified to vote for election to the Local Council. If you bring in another tenant who pays Rs. 25 as rent, his average intelligence and that of the man who pays Rs. 50 is just the same.

Q.—You would, in fact, go further and suggest manhood suffrage because the intelligence is the same ?

A.—Well, practically their intelligence would be the same. The only difference probably would be that the man having no land may not be considered to have stake in the country to the same extent as the man who possesses land actually.

Q.—There is no difference in intelligence ?

A.—Not much, except that the one who actually cultivates and actually pays rent has got a little more experience of the world than the one who has not got similar qualification.

Q.—Would you suggest that the man who paid Rs. 50 rent had more experience than the man who paid Rs. 25 ?

A.—I do not think there is much difference.

Q.—Therefore, really the electorate might also be composed of all ?

A.—I do not think I would carry it to that limit.

Q.—What is your objection to carrying it to that limit if there is no difference in intelligence ?

A.—From that point of view there is no difference.

Q.—Well, then, if you had manhood suffrage, you would have a very large electorate ?

A.—Certainly.

Q.—And that is what you desire ?

A.—That is what we desire to be our ultimate goal.

Q.—The larger the better ?

A.—Larger than the present.

Q.—The larger the better ?

A.—Yes.

Q.—You think that the broader the electorate, the broader the basis of Government ?

A.—That is so.

Q.—But in order to give a vote, some degree of political insight is necessary. Would you agree to that ?

A.—Yes.

Q.—That is, to give an intelligent vote ?

A.—Yes.

Q.—Do you think that it would not seriously affect the value as a political voting power of the electorate however much you widen the electorate ? As I understand you, you say that the intelligence of the electorate would not greatly be impaired if you have manhood suffrage. Therefore, you would consider that the addition of all those large numbers of voters would not affect the political position at all ?

A.—That would not.

Q.—You say in paragraph 3 that the present constitution was not affected by Indian opinion. You say that Indians should have a voice in the shaping of their political future. You suggest that they had no such voice. Would you like to qualify that statement ?

A.—They had a voice. They were consulted. Evidence was taken and His Majesty's Government, before they finally passed the Government of India Act, ascertained the opinion of the public.

Q.—You would qualify your statement then to some extent ?

A.—It only refers to the preamble of the Government of India Act where it is stated that the real authority which is to decide the time and the stage of each measure of progress is the English Parliament and no other body. It is only a statement made just to qualify this statement.

Q.—You controvert the view that the English Parliament should decide the stage ?

A.—We only controvert it thus far that although the British Parliament is the final authority, yet the people of India ought to have a voice in saying when a particular stage for a particular reform has been reached.

Q.—But you would not controvert the view that however great and however rightly the Indian opinion may be consulted, the actual machinery by which the advance is to be enacted is the British Parliament ?

A.—Yes, we are in that position.

Q.—You would not like to be in that position ? Do I understand you to object to that position ?

A.—As we are, we have to abide by that position.

Q.—But that position is not pleasing to you ?

A.—As an Indian the position is not pleasing to me. I would like that my own progress should be judged by my own self. But constituted

as we are, we have to take our constitution from the British Parliament. That is the position.

Q.—May I suggest to you that up-to-date, the advance, as has been made, has been made through the British Parliament ?

A.—That is so.

Q.—Would you wish to continue in the same channel ?

A.—Yes, we wish to continue in the same channel and hope to reach our goal in that way. I belong to a party that still entertains that hope, although in the country there is a party that feels.....

Q.—I am not asking about the country ; I am asking about the opinion of your Association ?

A.—My association feels that there is still justification for hoping that progress will be achieved through the British Parliament.

Q.—Can you see any other way by which it can be achieved ? Can your Association see any other way ?

A.—My Association thinks there is no other way.

Q.—Please refer to paragraph 7 of your memorandum. You quote there from Lord Bryce ?

A.—We do.

Q.—I take it, the reference is to his Book on Modern Democracies, published in 1921. You quote him with approval ?

A.—We do.

Q.—You regard his political opinions as important ?

A.—Yes.

Q.—You approve of his views ?

A.—We do.

Q.—You have read the Chapter in question ?

A.—Yes.

Q.—You would accept most of his statements in that Chapter ?

A.—Well, many of the conclusions we would accept, though in some conclusions we would like to make a little modification. The broad conclusions we accept.

Q.—He is dealing in that Chapter with the extension of Self-Government to countries which had previously been autocratically governed and he takes the case of the various States that he has named. He comes to the conclusion that self-governing institutions " grow up in comparatively small and homogeneous population. India, China and Siberia are vast countries inhabited by diverse races in very different stages of civilisation. Would you accept that as a true statement ?

A.—I would undoubtedly accept his statement that India is a vast country. I would also accept.....

Q.—It is the first statement that is more important. His argument is that in very large units it is extremely difficult—he does not say it is impossible but it is extremely difficult—to establish self-governing institutions. Would you agree with that ? The unit has to be small ?

A.—Yes.

Q.—And it must be of a homogeneous character ?

A.—Well, ordinarily it has to be.

Q.—In fact, may I take it generally that you accept his conclusions in that Chapter ?

A.—We do, but as I have said, with certain modifications.

Q.—Generally you agree with his conclusions ?

A.—Yes, with certain modifications like these. Outwardly it might appear that India is such a large country inhabited by so many people of different culture and different civilisation that it would be impossible to introduce Self-Government. I would not, however, agree to that position at all because now we have reached that stage where Self-Government has been introduced in the country and we have got these institutions, and we can fairly work on these institutions.

Q.- Are you aware of any single Government in the world which has such a large population as India that is governed by one Legislature ?

A.—Not at present, with such a large population, except perhaps China. I do not, however, know much of China. I have not studied the subject.

Q.—I don't think China can be said to be "governed in". The American constitution probably is the biggest constitution, consisting of somewhere about 110 or 111 States ?

A.—Yes. At present our idea is that our units possessing homageneous elements of population should consist of the various provinces under different Local Governments, and then we should have the Central Government joining them all together.

Q.—That is the general arrangement ?

A.—Yes.

Q.—What do you think of the size of the United Provinces as a unit ? What is the population of the United Provinces ?

A.—47 millions.

Q.—Do you regard it as too large for a self-governing unit or too small or just the right size ?

A.—I think we are sufficiently homogeneous to be one self-governing unit.

Q.—Are there not two sub-provinces in the United Provinces—Agra and Oudh ?

A.—Yes.

Q.—Have you ever considered the question whether self-governing institutions would not be better promoted by a division of the provinces ?

A.—We considered this question a great deal when Mr. Curtis wrote about this question and suggested that it might be possible to divide the United Provinces into two provinces and that we might then introduce two separate Legislative Councils for them. But many of us felt that the two provinces had been sufficiently long together, and the administration of the whole province had been carried on very successfully so far and the people of the provinces wished that they should be together and did not favour the idea of their being sub-divided into two portions.

Q.—That is the opinion of your Association or your personal opinion ?

A.—That is the opinion of the Association too.

Q.—I see that your Association dislikes the division of Government known as dyarchy ?

A.—Yes, it was started for a particular object and it considers that that object has been achieved. Time was not the essence but the experience to be gained was to be the essence and that experience has been gained.

Q.—That is the three years ?

A.—Probably the time we will get provincial autonomy, we will have gone on for a period of six years and that would be quite enough.

Q.—You would regard a term less than 6 years as too little ?

A.—I do not regard it so.

Q.—Do you think that three years was sufficient ?

A.—Quite sufficient.

Q.—Would two years have been sufficient ?

A.—We cannot go on like that. Three years is the period of one Council, and, therefore, we consider that three years' period is quite sufficient. We cannot go on and say whether one year or two years would have been sufficient.

Q.—I notice that in the Central Government you propose a form of dyarchy ?

A.—That again is a transitional stage. We cannot have any other at present.

Q.—You would consider that after one election—three years—that reservation should also be abolished ?

A.—It may be one election or it may be two elections.

Q.—You would not look forward to more than two ?

A.—No.

Q.—In two elections the Central Legislature would be in a position to take over the entire responsibility of the Government of the country, the Army including ?

A.—I hope so, if the Government makes effort and puts the Army in such a condition that it may be taken over by the Legislature. That is the only difficulty.

Q.—What does your Association think of the possibility of that ?

A.—My Association thinks that in 10 to 15 years the Army can be taken over.

Mr. Kunzru.—*A.*—May I supplement this. You asked whether two years working would be sufficient. I may point out that as a matter of fact the All-India Federation at its session in 1921 did pass a resolution for provincial autonomy and responsibility in the Central Government.

Q.—After two years ?

A.—After one year. May I just complete what I have to say. I should also like to point out that in the representations of the Liberal Party which were submitted to the Joint Committee which considered the Government of India Bill, it asked for responsibility in the Central Government before it had had any experience of the working of the new Act at all.

Q.—I am much obliged to you for that, but there seems to be some divergence of view between you two representatives ?

A.—I should not think so. My colleague himself was present at the session when this resolution was passed.

Q.—I do not quite understand the position. The position taken up by the first witness (Mr. Misra) is that dyarchy was a troublesome necessity which had to be worked ?

A.—I do not quite catch what you say.

Q.—The first witness said that his view was that dyarchy was a transitional form of Government which was necessary for a period in order that experience might be gained. I take it that that is not your view ?

A.—I did not hear him say so that it was necessary. He said as a means merely to provide for some experience.

Q.—I won't pursue that point further. That is my impression of what he said.

A.—He will himself be able to say whether he said it. Certainly it is not my view. It was accepted as a matter of political expediency only.

Q.—It is not the view of the Association that you are representing ?

A.—I should think so.

Q.—Would you mind referring to the reference in your memorandum to the powers of the Viceroy to certify. It is in paragraph 18, no. 6 page 7 of your written memorandum. Is that reference correct ?

Mr. Misra.—That reference is wrong. It should be 67 (B) (1). That is the section where the expression " interest of British India " comes in.

Q.—You say, " The word ' interest ' there is too wide and should be replaced by a word with a more definite and limited meaning. As was said when the Bill was before the Parliament, the word ' interest ' is so wide that one does not know what to mean by 'interest '." You are referring to Col. Wedgewood's speech ?

A.—Yes.

Q.—I think it was Mr. Inskip who drew attention to the fact that the stress should be on the word " essential " rather than on the word " interest " ?

A.—I have no recollection of that.

Q.—You have read the debate ?

A.—Yes.

Q.—Is it not a fact that Mr. Inskip following Col. Wedgewood drew attention to the fact that the stress should be on the word ' essential ' rather than on the word ' interest ' ?

A.—I do not remember.

Q.—But your reference was to Col. Wedgewood's speech ?

A.—That is so.

Q.—I do not propose to take you into any of your detailed remarks because I hope I am correct in believing that you never held office as a Minister ?

A.—No. I was offered office, but I refused.

Q.—(To Mr. Kunzru) : Have you ever held Office ?

A.—No. I have held no office whatsoever. I was a member of the United Provinces Legislative Council for three years ?.

Mr. Misra.—I was a member of the United Provinces Legislative Council prior to the reforms from 1916 to 1920 and then I was again elected and I was a member from 1921-23.

Q.—You refused office because you had not a sufficient majority in the Legislature ?

Mr. Misra.—That was not the ground on which I refused office. The ground was that the Governor had already offered one Ministership to a member of the Council with whom I thought that it would be difficult to carry on the administration on the principle of joint responsibility.

Q.—That is rather interesting. Do you think that with your present party in the Council you would be able to rely also on any other party so as to form a ministry ?

A.—I felt no difficulty in that when the ministership was offered to me.

Q.—My point was this. In the present Council—I am not speaking of you personally, but of your party—supposing a member of your party is offered office, he would be able to accept it on the chance of a coalition with any other party in such a way that you can carry on the administration ?

A.—Yes.

Q.—What would be that party then ?

A.—I do not think it will be the Swaraj Party, but probably we may be able to create a coalition with the landholders' party.

Q.—Sufficient to enable joint responsibility ?

A.—Yes.

Q.—You attach great importance to joint responsibility ?

A.—Yes.

Q.—And you would not take office unless you can secure a colleague with whom you can work jointly ?

A.—No. That was the very reason for which I declined to accept office.

Q.—That is the view of your party ?

A.—Yes. The Governor offered it to another member of the party also and that was the ground on which he also declined.

Mr. Kunzru.—Mr. Chairman, you question my colleague about the supremacy of Parliament, in reference to what is written in paragraph 3 of our memorandum. We do not challenge the legal supremacy of Parliament. The expression is here used in a political sense. Besides, so far as I have been in touch with the members of the United Provinces Liberal Association and with its prominent members, I believe their view is that the power to amend the constitution in future should be in the hands of the Indian Legislature, I believe on the model of the Australian Act—I am not sure—I read it at one time—and not on the model of the Canadian Act which, I think, says that any change can be made only by Parliament. That is our view. It was not with any desire to controvert the legal supremacy of Parliament that that was written.

Q.—Legal supremacy and political supremacy of Parliament are the same ?

A.—Politically, of course, I would certainly like that the Parliament should be guided by our wishes, especially in view of the declarations of self-determination made during the War.

Q.—We are rather in a circle. There can be no difference between the legal and political powers of Parliament because Parliament merely exercises its powers by a majority, and if you desire to work through it,

it must be with the political assent of Parliament. Otherwise it will be inoperative. I can quite sympathise with your desire that the Parliament should operate in such a way that the Indian opinion desires it to follow ?

A.—Any advance must come through Parliament, but the bald way in which it is stated there that every advance must depend in regard to time and extent on the wishes of the Parliament rather jars on our ears. I am perfectly certain that if you were to-day to deliver a speech you would not use words quite so bald as that. You would use perhaps a smoother expression which.....

Q.—I see your point. You mean to say that the language is unnecessarily offensive to your susceptibilities. You do not deny the fact but you say that it is rather broadly stated, rudely stated ?

A.—I do not say that the intention of Parliament is to deny us all opportunities of having our views heard. The words used there are hard.

Q.—I see that you are not objecting to it as being inaccurate, but you dislike the method in which it is couched ?

A.—I meant to say that these expressions are used in a political sense. We are giving expression to our political feelings and we do not challenge the legal supremacy of Parliament.

Q.—There is no distinction between the legal and political supremacy of Parliament ?

A.—I use the words ' political ' and 'legal ' in the sense in which they are ordinarily used.

Sir Muhammad Shafi.—*Q.*—Mr. Misra, towards the end of the first paragraph of this statement, your Association says that the terms of reference to the Committee are extremely narrow and restricted in scope. Are you and Mr. Kunzru of the same opinion ?

A.—Quite.

Q.—Will you kindly look at the terms of reference for a moment ? According to the terms of reference the object and scope of this Committee's enquiry is divided into two separate heads ?

A.—Yes.

Q.—To enquire into the difficulties arising or defects inherent in the working of the Government of India Act and the rules thereunder in regard to the Central Government and the Governments of Governor's Provinces. So far as that branch of the enquiry is concerned, it governs both the Central Government and the Provincial Governments ?

A.—Yes.

Q.—And it relates to the defects as well as the difficulties in the Act as well as the rules framed under the Act ?

A.—Yes.

Q.—Without any limitation ?

A.—Yes.

Q.—All defects and difficulties ?

A.—Yes, the words are there.

Q.—Even difficulties arising out of defects inherent in the Act ?

A.—Yes. I see that.

Q.—Assuming for the sake of argument that the Committee were to find that there are certain difficulties and defects in the machinery of Provincial Governments as set up in the Act and that these are due to the system of dyarchy, is there anything to prevent the Committee from saying so ?

A.—I hope not.

Mr. Kunzru.—Not under head 1. But it is head 2 and part (2) which led to that observation.

Q.—There is a difference between difficulties and defects and the inquiry in relation thereto and remedies under head 2. I am distinguishing those two and I am putting to you the question because both of you—one of you is a lawyer, a very experienced lawyer and the other is an experienced politician—can see the distinction between these two, the enquiry into difficulties and defects under head 1 and the remedies to be suggested under head 2. I am at present only referring to the first. Your answer is that there is nothing in the terms of reference under head 1 to prevent it from saying so.

Mr. Misra.—In my opinion there is nothing to prevent it from saying so.

Q.—Supposing the Committee were to come to the conclusion that there are certain difficulties in the working of the Act in so far as the Central Government is concerned and that these are due to the fact that while the Central Government is subject to control of Legislature in certain matters, it is not so in others, and hence the conflict. Is there anything to prevent the Committee in the terms of reference from saying so ?

A.—I do not think there is any.

Q.—Then you admit that the scope of the Committee's enquiry confining yourself to head 1, is unlimited and cannot be characterised as narrow under head 1 alone ?

A.—I hope you would now allow me to give my answer. On a strict interpretation, it would not, but looking to the way in which it has been worked and the fact that pointed reference has been made merely to the working of the Government of India Act and the rules thereunder, there is a general impression that the only thing which this Committee is asked to do is to enquire and report so far as the working of the Government of India Act is concerned and not to go beyond that. I would also like to add that this is the way in which many of the Local Governments, including our Local Government, have interpreted the terms of reference and this is the view which the general public also takes. I would be simply delighted to learn from this Committee or from the Chairman of this Committee if this Committee is prepared to enquire into the whole field and nothing would please Indians better than to know that this is the object of the Committee.

Q.—May I in this connection invite your attention to what Sir Malcolm Hailey said in the Legislative Assembly in his speech on February 18th ? " Before His Majesty's Government are able to consider the question of amending the constitution as distinct from such amendments of the Act as are necessary to rectify any administrative imperfections." Notice the word " there must be a full investigation of any defects or difficulties which may have arisen in the transitional constitution." Full investigation. I lay emphasis on the word ' full '. Bearing what Sir Malcolm

Hailey said in this speech of his with regard to the nature of the investigation of the difficulties and defects and that it is intended to be a full investigation bearing the language which we have now carefully analysed here, don't you think that the general impression that you have spoken of is really erroneous and that there is no limitation to the scope of the inquiry in so far as head 1 is concerned ?

A.—My reply is that the Indian public was clamouring for a Royal Commission and the object of that Royal Commission—according to Indian opinion—was to be not only to inquire as to how far the Government of India Act and the rules under the Government of India Act require to be modified and how far the Government of India Act has worked properly, but also to go beyond it and to determine whether the Government of India Act requires any amendment or if the constitution which was promulgated under the Government of India Act requires to be amended. It should have said so distinctly and the public thought that an inquiry instituted merely by the Government of India would not be capable of doing it. Consequently this was the general impression. As I have said, if, according to the Hon'ble the Law Member's interpretation, this is so and if this is the correct interpretation that this Enquiry Committee would be able to carry its domain of enquiry so wide, nothing would please us more than that.

Q.—Does not the word ' inquiry ' embrace both cause and effect ?

A.—Yes, both cause and effect.

Q.—Now, let us come to the second part.

A.—Only one word more. It embraces cause and effect and also the suggestion of remedies therefor.

Q.—That is why I said let the heads be separated. Now, let us come to the second head. This is how head 2 runs : " To investigate the feasibility and desirability of securing remedies for such difficulties or defects, consistent with the structure, policy and purpose of the Act, by action taken under the Act and the rules thereunder, or by such amendments of the Act as appear necessary to rectify any administrative imperfections." Would it be wrong to say according to your judgment that all conceivable remedies can be divided into (*a*) capable of satisfaction by action by means of exercise of rule-making power, (*b*) by minor amendments of the Act, and (*c*) by major amendments ? Does not that exhaust the three possible remedies ?

A.—The only difficulty in my way is that I can not get rid of the words " consistent with the structure, policy and purpose of the Act."

Q.—That is why I have introduced (*c*) by major amendments in the Act. Perhaps you did not quite understand me. Are not all conceivable remedies divisible into three, (*a*) by exercise of rule-making powers within the Act, (*b*) by minor amendments in the Act and (*c*) by major amendments in the Act ?

A.—If by major amendments in the Act you mean that you can recommend such amendments which would be even inconsistent with the structure, policy and purpose of the Act, we would be perfectly satisfied with the scope of enquiry.

Q.—My next question is this. Are not heads (*a*) and (*b*) according to you within the jurisdiction of this Committee ?

A.—Nobody doubts that.

Q.—The limitation even under head 2 is with regard to (*c*) ?

A.—Even with regard to (*c*), when you propose such amendments in the Act which may appear to be inconsistent with the structure, policy and purpose of the Act....

Q.—You cannot propose those amendments under head 2. But can we not say that we find such and such defects and difficulties (*a*) removable by exercise of the rule-making power, (*b*) removable by minor amendments of the Act, and we find further difficulties and defects, so and so, but these cannot be removed by the exercise of either of those two powers. Is it not open to us ?

A.—I hope it is open to the Committee to say so.

Mr. Kunzru.—Why didn't you say so plainly ? That would have removed the apprehension.

Q.—That is now your carefully considered interpretation. Are you still prepared to say that the scope of the inquiry is extremely narrow and restricted ?

Mr. Misra.—If the Committee is now going to consider or considers that its jurisdiction is so wide and if really the inquiry which it is going to institute is of such a wide character, I might be able to qualify the words relating to the narrowness of the enquiry and my Association might also qualify.

Q.—Let me invite your attention to what Sir Malcolm Hailey said even as regards (*c*). This is what he said in the Legislative Assembly. " But if our inquiry shows that no advance is possible without amending the constitution, then the question of advance must be left as an entirely open and separate issue on which Government is in no way committed." That is to say, as regards (*c*) under head 2, if we come to the conclusion that there are certain things which cannot be achieved without amendment of the constitution, then that question will remain an open one on which the Government has not committed itself one way or the other.

(Sir Tej Bahadur Sapru : The Government of India are not even now committed).

Mr. Kunzru.—That is our main grievance that the Government is not committed.

Mr. Misra.—If with regard to 2 (*c*) which you have suggested the Committee is going not only to inquire into them, but also to suggest remedies for removal of those defects, then in that case nothing more would be wanted. But that speech of Sir Malcolm Hailey which was made in the Legislative Assembly and the terms of this inquiry as they are, have given the Indian public and also my Association in particular the impression that this Committee would not go into that question of such major amendments as would be necessary for being introduced into the constitution of the Government of India Act which are inconsistent with the structure, policy and purpose of the Act.

Q.—On this point I think we have heard sufficiently from you.

A.—I suppose the position is clear.

Q.—Will you kindly turn to paragraph 18 of your statement ? This is what you say : " Without prejudice to its conviction that the situation requires much larger measures than can be introduced under the Act, the Association would suggest that all possible advance under the Act should

be effected ". I presume you realise that for an amendment of the Act a complicated procedure is required, introduction of a Bill in the House of Commons ?

A.—I am fully aware of that.

Q.—Second reading and so on ?

A.—Yes.

Q.—And that so far as the exercise of rule-making power is concerned, that is a speedier machinery in so far as it can go ?

A.—Yes.

Q.—I suppose that is the reason why you advocate that in so far as action can be taken under the Act, it should be done by framing rules ?

A.—Yes.

Q.—Therefore, when a witness on behalf of your Association puts forward certain proposals, it is to our advantage that it should be brought on the record that such and such proposals can be carried out by means of the exercise of rule-making powers and such and such proposals would necessitate the amendment of the Act ?

A.—Most certainly.

Q.—Solely for that purpose, I wish to ask you a few questions with regard to the definite proposals that you have put forward in paragraph 23 of your Memorandum. Your first proposal in that paragraph can be realised by the exercise of the rule-making power ?

A.—Yes.

Q.—The second proposal requires partly the amendment of the Act and partly it can be realised by the rule-making power ?

A.—Yes.

Q.—The third proposal can also be realised by the exercise of the rule-making power ?

A.—Completely.

Q.—And, in fact, the Lee Commission has actually made a recommendation on that behalf.

(*Sir Tej Bahadur Sapru*).—I am sorry to say that that is not my reading of the Lee Commission's report and I would differ with the Hon'ble the Law Member.

Q.—The Lee Commission recommend that services should be provincialised and their control vested in the Ministers ?

A.—That is a very controversial question.

Q.—Then your fourth recommendation can also be realised by Rules?

A.—I have a little difficulty about that. I do not know whether the restrictions as to previous sanction of the Governor-General for introducing legislation in the Provincial Legislature can be done away with altogether under the Rules. My impression is that there is a section in the Government of India Act which expressly states that the.....

(*Sir Tej Bahadur Sapru*).—It is, I think, permissible to differ even from the Hon'ble the Law Member of the Government of India.

(*Sir Muhammad Shafi*).—Any lawyer may have his own individual opinion.

Mr. Misra.—I wanted to refer to section 67 of the Government of India Act where it is stated in clause (2) that it shall not be lawful without the previous sanction of the Governor-General to introduce at any meeting

any measure affecting the following things or any measure relating to the following things. For these measures, according to the statute, the previous sanction of the Governor-General is necessary. The Government of India will always say that every measure must come to them in order to find out whether that particular measure is not a measure which comes under clause (2) of section 67.

Maharaja of Burdwan.—*Q.*—Will you kindly refer to paragraph 18 (VIII) of your Association's Memorandum ? Your Association would like the control of services to be more or less provincialised. Am I correct in saying so ?

A.—My Association would first of all like the control of the services to be placed in the hands of the provincial Governments. If, however, this is not possible, then my Association urges that the control over the services should be taken away from the hands of the Secretary of State and should be given to the Governor-General in Council.

Q.—In other words, your Association suggests that the control of those services, which are now under the Government of India, should, in future, become provincialised ?

A.—Yes.

Q.—Now please refer to paragraph 23 (III) where it is stated that " subject to paragraph 18 (VIII) of this memorandum, Governors in Council and Governors acting with Ministers, should have full control over the services serving under them ". When you give this control, I take it that your Association would not favour the tampering with the services ordinarily by the Legislative Council ? What I mean to say is that after the services were controlled by your provincial Government, your Association would favour the view that the services should feel some security and that the Legislative Council should not ordinarily interfere with them ?

A.—My Association would not like that these services should every moment be tampered with by the Legislative Council and they think that some security must be given to the services.

Q.—That being so and having regard to part VI of paragraph 23 where it is stated that the position of the Governor should be that of a constitutional Governor, would you also agree that the Legislative Council should not have any control over the Governor's salary or his sumptuary allowance and so forth ?

A.—That difficulty can be met with by passing an Act with regard to the Governor's salary.

Q.—It is at present non-voted ?

A.—Yes.

Q.—When you wish to place all your provincial services beyond the control of the Legislative Council don't you think that it is only legitimate to ask that all matters relating to the Governor's allowances and so forth should also be beyond the control of the Legislative Council ?

A.—The Governor's salary should certainly be beyond the control of the Legislative Council. The question of allowances is, however, a little different from the question of the salary. If the allowances are fixed permanently, it would be much better ; but my Association would not like the question of allowance to be put on the same level as the question of the salary. The question of allowances may come under the control of the Legislative Council. If, however, the position is arrived at that the question of the salary and the allowances of the services generally should not be

touched by the Legislative Council, I would certainly agree that the salary and the allowances of the Governor in Council should also not be touched by the Legislative Council.

Q.—As a general principle, don't you think it would give more contentment to your services if they knew for certainty that certain definite allowances, which appertain to their salary, will remain secure from the control of the Legislative Council ?

A.—There are allowances and allowances. Certain allowances might be considered to be of a nature that they ought to go with the salary. There are, however, other allowances which ought not to go with the salary. I personally have always been of opinion that allowances should be abolished altogether and that they should be taken into consideration in fixing the salary of a particular post. These allowances always lead to difficulties. In any case if it is found that there are certain allowances which have to be treated on the same level as the salary itself and if it is found also that in order to make the services contented, their salaries have to be fixed and secured and certain allowances have also to be secured, then I would not have any objection to these allowances being treated on the same level as the salary itself. Once that position has been secured to the services, I would secure that position also to the Governor in Council.

Q.—I will give you a concrete instance. In the case of a service man you say that you would give him certain halting and travelling allowances. Then he submits his Bill for his halting and travelling allowances and so forth. His superior officer, of course, checks his bills. Don't you think that in a case of that kind, it will have a much better effect on your services generally if certain very well-defined allowances were fixed with their salaries ?

A.—I have already given my answer to that question. I do not consider that these halting and travelling allowances are allowances of a character which should be permanently fixed. I consider that they are not of such an important nature. But there are certain other allowances which are given to the members of the Indian Civil Service which I consider ought to be treated just like their salaries.

Q.—Now take the case of the Governor. As you know, a Governor has got to get his salary and certain other allowances for the maintenance of his Government House and so forth. Don't you think that it would be best not to bring that question before the Legislative Council ?

A.—It would certainly be better if that question were not brought within the purview of the Legislative Council. But I know that there was a feeling in my Council with regard to the sumptuary allowance when we were facing the provincial stringency. Many of us thought that the Governor himself ought to reduce it. Many of the members of the Council, I remember, were even going to the extent of proposing curtailments of the budget with regard to these items. Subsequently, however, they said that it was a better part of discretion not to interfere with such items and, therefore, they left the matter to the Governor himself. My own view is that if this question of allowance is once definitely considered, subsequent Legislative Councils will not ordinarily depart from taking action on it. After all, the budget of the province does not merely consist of the Governor's allowances alone. There are other large heads of expenditure which can be touched upon in order to put the provincial funds in a good position.

Q.—Will you refer to paragraph 19 ? You say :—" That dyarchy has failed of the hopes formed of it is the general verdict. Several persons, who have held the position of Ministers, have declared that it is impossible to administer transferred subjects without directly and effectively sharing in the control over the finances and other allied subjects." Supposing dyarchy had to continue, would your Association advocate a separate purse ?

A.—No.

Q.—I mean to meet this difficulty you have referred to, would your Association advocate a separate purse ?

A.—No, the Association would not desire a separate purse. This question was considered by the Association when the Reforms Act was just coming into operation. The Association wanted that the Ministers should have a hand in the finances which were necessary for the development of the transferred subjects.

Q.—In what way ?

A.—I may tell you. At the present moment the Finance Member allots funds both to the reserved and the transferred departments. In my Council in the first budget, which was presented by Sir Ludovic Porter, he said he had dealt with both the reserved and the transferred subjects in a manner in which all the subjects were to be looked upon as transferred subjects and he had not created any distinction. We recognised that it was a very fair budget and that he had been very fair to the transferred subjects, and the Ministers were satisfied with the allotments which had been made to the transferred subjects, but after all the position was there, that the Finance Member, as long as he was a very fair-minded man and was careful about the transferred subjects.....

(*Mr. Chairman*).—*Q.*—What is the question ? We must confine ourselves within reasonable limits.

Maharaja of Burdwan.—I wanted to know whether the witness is in favour of a separate purse. Then he went on to say what the difficulties are between allocation for transferred and reserved subjects.

Mr. Misra.—I will curtail my answer and I will say that my Association is not in favour of a separate purse and would like one united purse to continue, but would like that the Ministers should also have a little control over the finances in order to get sufficient funds necessary for the administration of the transferred subjects.

(*Mr. Chairman*).—*Q.*—What kind of control ?

Q.—Could you kindly give me an illustration as to what way the Minister suffered because he had not that control over the finances which you have in mind ?

A.—He could not get that amount of money which would be necessary to push his schemes through. It would be in the hands of the Finance Member to allot that amount of money which he thought was necessary or which he considered that he could spare.

Q.—You have just now said that in the first Council the division was considered as fair by the Minister concerned. If it was considered fair, I do not quite follow when you say that the Ministers would like to have a little more control over the Finance Member.

A.—Practically for that one year it was so. It may be so for the coming years as well, but the risk was always there, that the Finance

Member could allot funds to the transferred Departments not in accordance with the wishes of the Ministers.

(Mr. Chairman).—Q.—Are you on the question of allocation ? You know the rule, rule 31, which provides the manner of agreement between the two heads, between that part of the Government which is responsible for the administration of the transferred subjects and that part responsible for the administration of the reserved subjects ?

A.—Are you referring to rule 31 of the Devolution Rules ?

(Mr. Chairman).—Q.—Yes, and if there is a difficulty it has to be settled by the Government of India. There is no question of dealing with the allocation of funds or individual expenditure.

Q.—Will you kindly refer to paragraph 21 of your note, in which you say that if dyarchy cannot be worked, etc., the only system of Government which can replace the present is full responsible Government with Cabinet Ministers. I should like to know whether you consider your Province, after working the Reforms for three years, is now quite fit for what you or your Association understand as full responsible Government ?

A.—Completely, quite fit.

Q.—And you think that this cabinet system of Ministers, which means that the party in power, the Chief Whip of the party, would be called in by the Governor and he would be the Prime Minister and he would have a certain panel of Ministers who would form the Cabinet. Do you think in your Province at the present moment, supposing full responsible Government is introduced and you had racial questions of a nature which would require not only the maintenance of law and order, but that that maintenance of law and order would depend on the majority of the party in power, when communal questions came up how would you solve them ?

A.—Very easily. Supposing the Cabinet, which was in power, belonged to a party which was in the majority in the House and any communal question came up, the Cabinet, in order to carry on its administration, would have to rely upon its majority, and the members consisting of that party will not merely be only Hindus or Muhammadans or Christians, those members will be belonging to the particular party, and it would be impossible to hold together that party for one single moment if that Cabinet were not to take a fair view of the position of all the parties.

Q.—What I was asking is whether you do consider in your Province you have reached that stage that you would have a party which would be able to be above such racial or communal questions as to be able to deal with a situation of that kind, should it arise ?

A.—Quite, I could form a party tomorrow if I were put in power.

Q.—You think you would be able to maintain such a party ?

A.—Certainly.

Q.—I think in answer to one of the questions you said that at one time, or rather in the last Council you had a larger number of members of your party, but this time one of the reasons that a lesser number of your party has been returned is that the landholders party resented your attitude towards the tenancy Bill that was introduced. But you later on, I think, said that an *en tente* was possible between the Liberal Federation and the landholders. May I ask why you think so ?

A.—Any action with regard to one particular measure is not such as may amount to a permanent cleavage between the parties.

Q.—But you said for the very reason that the landholders were against you, you were unable to return to this particular Council a larger number than you did return ?

A.—The whole thing depends on the assurances we are now able to give to the landholders.

Q.—May I know to which party the two Ministers you have at the present moment in the United Provinces belong ?

A.—They belong to the landholders party, both of them.

Q.—Therefore it would not be necessary for them, so long as they have a majority, to have an *en tente* with you ?

A.—Should I give an answer ? They are very anxious to have that *en tente.*

Q.—Besides the landholders party, there is no other party in the Ministry ? It is only the landholders party that is now in power in the Ministry ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Before we go on, I should like to say that that it is not possible to examine the second witness along with the first. I think the convenient course would be that the second witness should make a note of anything he would like to amplify during the course of the examination of the principal witness, and at the end of that examination, he should mention it to me and we should then examine him on it. It is not possible to have two witnesses examined together individually. So perhaps you will make a note of any points you wish, Mr. Kunzru ?

Mr. Kunzru.—I only wanted to put a question to the Maharaja Sahib to clear up a point.

(*Sir Sivaswamy Aiyer*).—*Q.*—May we not put our questions to either witness ?

(*Sir Tej Bahadur Sapru*).—*Q.*—There are certain questions I would like to put to Mr. Kunzru and certain to Mr. Misra.

(*Mr. Chairman*).—*Q.*—Yes ; we must not examine them both together.

Sir Henry Moncrieff Smith, (to Mr. Misra).—*Q.*—It has been put to us in evidence that the grant of responsible Government is dependent on the creation of an intelligent electorate ; I take it that is not the view of your Association ?

A.—It is the view of my Association.

Q.—That self-government is dependent on an intelligent electorate ?

A.—Yes.

Q.—Is that reconcilable with paragraph 9 of your memorandum ? It seems to me there that you suggest that if responsibility is given, political education will follow ?

A.—What my Association feels is that, although the political education of the electorate may not have reached that ideal standard which one would like, but the standard necessary for the exercise of the responsibility was

already there, sufficient to that extent, but not to the ideal extent, which will be attained after a short time. The ideal can only be reached with the exercise of the power after it has been granted.

Q.—Can you explain to the Committee what exactly is meant by what is said in the memorandum at the end of paragraph 9, that the education of the electorate will advance so slowly that if you are going to justify any constitutional advance on that ground, there will be advance even in 1929 ?

A.—The view of my Association is that if the complete education of the electorates is made a *sine qua non* for a further advance, probably in 1929 the same objection could be raised which is being raised now, because in about five years' time that ideal state of the education of the electorate will not be reached; but my Association says that the state of intelligence and education of the electorate at the present moment is sufficiently high to justify giving them responsibility.

Q.—Your Association advocates an extension of the electorate ?

A.—Yes, it does.

Q.—Is there any popular demand for an extension of the electorate in your province ?

A.—I may tell you exactly as to what the position is. Some people think that there ought to be no widening of the franchise and no extension of the electorate at all because they consider that the electorate is wide, as it is at the present moment, is a sufficient nuisance. That is the position they take and they say it entails upon them great difficulty to go round and canvas people. That is one opinion; but the opinion of the majority is that when they go round and canvas and educate the electorate and work they are doing can easily be done with regard to the other people who are not at the present moment enfranchised.

(*Mr. Chairman*).—*Q.*—When you speak of the electorate as a nuisance, you mean the members regard them as a nuisance ?

A.—Certainly, or rather I should say, the intending members regard them as such, not the members.

Q.—Well then, in so far as there is a popular demand for an extension of the franchise, does that demand come from those persons who are at present just outside the franchise ?

A.—From the tenantry. I have gone into the villages myself and the tenants would assemble round me and question why they shouldn't get the franchise. That is the position. They naturally want the vote.

Q.—You think they value the vote ?

A.—Yes.

Q.—They do not regard it as a nuisance ?

A.—No.

Q.—Among your suggestions at the end of the memorandum, your Association says that provincial subjects should not ordinarily be subject to legislation by the central legislature. Did your Association thereby mean to imply that provincial subjects at present are ordinarily subject to legislation by the Indian legislature ?

A.—What my Association feels is that at the present moment the central legislature can also legislate for provincial subjects. Of course ordinarily it does not. Under the Reforms constitution it leaves it principally to the local Government to introduce a local measure into its own council, but at present there is nothing to prevent the central legislature framing any law or passing any law regarding a provincial subject. What

my Association means is that ordinary and until special reasons are shown, the central legislature should have nothing to do with provincial subjects.

Q.—You are stating it too widely when you say there is no restriction on the powers of the central legislature to legislate on provincial subjects. The point is that in certain cases they cannot legislate—without the previous sanction of the Governor-General. If you look at section 67 (2) (*i*)—the section you quoted yourself—it reads " cannot introduce any measure affecting or regulating a provincial subject or any part of a provincial subject which has not been declared by rule ". You realise that just as there is a restriction on the local council as to the scope of its legislation, there is equally a restriction on the central legislature with regard to the scope of its legislation ?

A.—That statement of mine ought to be qualified. I did not mean to say there should be no restriction.

Q.—Now the fourth recommendation in that same paragraph is that the restrictions as to the previous sanction of the Governor-General for introducing legislation in the provincial legislature should be done away with. Do you mean, entirely done away with ?

A.—No, of course certain restrictions have to remain. We cannot do without them. We cannot make the provincial legislature entirely autonomous.

Q.—Could you give us any indication of where you would relax the present restrictions ?

A.—Well, with regard to that at the present moment this difficult situation exists that every Act has to be submitted to the Government of India for the previous sanction of the Government of India before its introduction.

Q.—Excuse me interrupting, but you say every Act—do you mean an Act passed or are you referring to a Bill ?

A.—Sorry, I was using an incorrect expression; I mean every Bill has to be referred to the Government of India ?

Q.—Is that correct ?

A.—So far as I am aware, it is correct. Every Bill that was introduced in the local council, so far as I am aware, had to be sent up to the Government of India.

Q.—Well, will you take it from me that it is only in the case of a Bill which is of such a nature that it requires the sanction of the Governor General ? But if a Bill does not require the sanction of the Governor-General under section 80 (A), if previous sanction is not necessary— then you do not suggest that it has to be sent up ?

A.—No, then certainly not.

Q.—I am afraid I did not quite gather from your answer as to what restrictions you would relax—what restrictions on the powers of the local legislature. That was my main question. You say you do not intend the previous sanction of the Governor-General should be done away with entirely ?

A.—No, my answer is this. At the present moment what is felt is that until a Bill is sent to the Central Government and the Central Government really sees that it does not offend against any of the restrictions which are laid down in section 67 (2), it cannot be introduced into the local council, because after all it is the central legislature which has to decide

whether it offends against any of the restrictions laid down in section 67 (2) or not.

Q.—Excuse me, it is not the central legislature ; as a matter of fact, it is the Governor-General. If you look up the Devolution Rules, you will see it is the Governor-General who has to decide.

A.—Yes, but as a layman, I think it is the Government of India which does the whole thing, for the Governor-General, the Governor-General himself, I suppose, does not deal with these matters directly. I have no knowledge with regard to the actual procedure followed in this matter, but whether it is the Governor-General himself who personally looks into all these things, or it is the department of the Government of India that looks into these things.....

Q.—It is the Governor-General himself who passes orders in every case.

A.—It may be that he passes orders, but it must pass through a particular channel ; it does not go direct to the Governor-General. I suppose it goes to the Governor-General through the Secretary or through the Law Member, even though the ultimate orders may be passed by the Governor-General.

Q.—You suggested just now that every Bill had to come up because it had to be decided here whether the previous sanction of the Governor-General is necessary or not. I put it to you that that is not a correct apprehension of the situation. It is the local Government that decides whether sanction is necessary or not, and if they decide a Bill does not require sanction and if they have no doubts, the Bill never comes up here.

A.—If that is so, I have got nothing more to say. If the Local Government decides that a particular Bill has to be sent to the Governor-General for sanction, which is necessary under the rules, that Bill must come up. My Association does not say that such a Bill should not come up to the Governor-General at all. In that case my Association has nothing to complain of.

Q.—If I assure you that that opinion is based on a misapprehension, then you are prepared to modify it ?

A.—Yes, if there is a misapprehension.

Q.—That means you do not desire any alteration in section 80A of the Government of India Act with regard to the previous sanction of the Governor-General [sub-section (3)] ?

A.—Well, ordinarily I would not abolish section 80A. I would maintain the restrictions mentioned there, except with regard to clause (*f*). I have nothing to say with regard to clauses (*a*), (*b*), (*c*), (*d*) and (*e*); but with regard to (*f*), it is stated regarding any provincial subject which has been declared to be either in whole or in part subject to legislation by the Indian Legislature in respect of any matter to which such declaration applies, etc. That, of course, is a matter of rules and that may be restricted or widened.

Q.—Your suggestion is that there should be fewer provincial subjects which should be subject to legislation by the Indian Legislature, so that the application of the Act would not be so frequent ?

A.—That is so.

Q.—If you glance again at item (4) of paragraph 23, do you wish to qualify the recommendation there that the restrictions as to previous sanction of the Governor-General should be done away with ?

A.—In the light of what I have just now stated, this may be modified to that extent ; because what the Association generally felt was that every Bill had to come up to the Government of India for sanction.

Q.—Item (7) of that paragraph—rules under section 49 ; you say you have not been a Minister and I presume you have not seen rules framed under section 49 of the Act.

A.—Once a question was put by my colleague here in the local Council that these rules should be placed on the table of the Council, but the Local Government refused, so we are not aware what those rules are.

Q.—This is just a suggestion thrown out that in case the rules do not conform to the provisions of the Act, and to the report of the Joint Committee they should be amended ?

A.—May I say the general impression is that those rules do not contain as a matter of rule any provision with regard to those matters which are put only as a recommendation in the report of the Joint Committee. and what my Association feels is that the things recommended by the Joint Committee should be embodied in the rules.

(Mr. Chairman).—If they are not already there. That is a matter of which you are not aware.

Mr. Kunzru.—With regard to the necessity for referring measures to the Government of India, we are not aware as to how far it is obligatory on the Local Government to refer Bills to the Government of India, but we know that our Secondary Education Bill and the Allahabad University Bill had to be referred to the Government of India, and under the rules made under section 81(A), it is necessary that any Bill regulating the constitution or the functions of the University should be reserved for the assent of the Governor-General. In this case it had also to be previously referred to him. Now, that is one of the things which my Association would like to have done away with. I mean, if we pass a law relating to the Allahabad or Lucknow University, it ought not to be necessary for us to refer such a Bill to the Governor-General, nor for the Government of India to reserve the Bill for the assent of the Viceroy. Of course, every Bill would have to be assented to by the Viceroy constitutionally, but it ought not to be necessary particularly to reserve such Bills for his sanction.

Q.—You are referring to the reservation of Bills Rules ?

A.—Yes, under section 81A.

Q.—If you read those Rules, you will find that previous sanction does away with the necessity for reservation. It is only where previous sanction has not been obtained that reservation is necessary.

A.—That is so. Of course, previous sanction was obtained in the case of the Allahabad University Bill, but in the case of a Bill dealing with a purely local University, it does not seem clear to my Association why it should have been necessary to refer it for the previous sanction of the Governor-General.

Q.—In fact, your Association has suggested an amendment of the Rule.

A.—To that extent it certainly has. Then again, when the Allahabad University Bill was under discussion, it was understood that the Government of India had not merely suggested certain changes, but were contemplating insistence of certain provisions in it. For instance, on a provision relating to the number of Professors that should be brought out from England—I do not think the Minister used any language which could convey that impression—that was certainly in the atmosphere there—I am not sure that such language was not used in the debate.

Q.—Your complaint, I understand, is that the Government of India in the Administrative Department interfered unnecessarily in the details of the Bill ?

A.—Yes. It was not merely formal sanction of the Governor-General but it appeared to be a rather meticulour control after a careful scrutiny of the Bill by the Department concerned.

Sir Sivaswamy Aiyar.—*Q.*—With regard to the connection between a trained electorate and responsible Government, do you consider it correct to hold that there should be a perfectly trained electorate before responsible Government is granted ?

Mr. Kunzru.—I do not hold that view either in theory or in practice.

Q.—As a matter of fact, before dyarchy or a semi-responsible Government was introduced, had the electorate been trained in responsiblity ?

A.—Not certainly so far as the Provincial or the Central Governments were concerned, though they had been in municipal elections.

Q.—But though the electorate had had no training in responsibility in provincial affairs, still it was considered proper to introduce dyarchy. Would it be very improper or inexpedient to introduce full responsible Government in the provinces after this experience of three years ?

A.—I do not think it will be improper at all.

Q.—Is it indispensable that there should be a trained electorate before you introduce further responsibility ?

A.—As I have already said, I do not hold that view. In England itself, as the Chairman has pointed out, the franchise had been exercised by the electorates of Great Britain for nearly 300 years before the Reform Act was passed. We are not concerned with the period but the stage which the people had reached in 1832.

Q.—Are not training in responsibility and opportunities for such training by grant of responsibility really interdependent ?

A.—Undoubtedly. Besides, to train the electorate would be much easier when complete responsibility is attained than it is now.

Q.—Will you kindly explain it ?

A.—We can have fully developed party system only when there are divergences of opinion about domestic matters. But so long as every patriotic Indian thinks, and every patriotic elector who has the power to vote for a candidate thinks, that the work of his representative is to be judged not merely by what he does in the transferred field, but by the control which he exercises over subjects that are known as reserved and that intimately touch him, I am afraid there can be no party system. Besides, it is very difficult to bring home to the voters that there are two sets of subjects, transferred and reserved. If anybody were to go to a

village and address a public meeting, he would find out the difficulty for himself.

(*Mr. Chairman*).—*Q.*—It has not really been understood by the electorate ?

A.—They find it very confusing.

(*Mr. Chairman*).—*Q.*—It has not been understood by them ?

A.—That is so. It is not clearly understood. Then again, take for instance Law and Order. When we tell them that the Ministers are not responsible for it and that it is a reserved subject, they look blank. They do not understand these things. They hear claims made of Indians having got a certain amount of power and the inconsistency between that claim and their power to take action in departments which vitally concern them, they don't understand.

Q.—They consider the Minister responsible for all the acts of the Government ?

A.—Yes, that is undoubtedly so. Many questions were asked as regards the reasons why the Liberals failed at the last election. One reason was that the Ministers, and through the Ministers the entire Liberal Party, were saddled with the responsibility for actions that were solely the concern of the Governor in Council.

Mr. Misra.—May I just, from my experience, add only one sentence. The villager puts the question directly whether it is in his power to effect a particular change in a particular subject, and the moment the answer is given that it is not in his power, then he loses all interest. They ask, " Is it within your power, if I send you to the Council, to do this or that ? " The moment you say that it is not within your power, they ask, " Why have you come to me ? " That is how the villager puts it.

Mr. Kunzru.—My third and last point is that it is really administrative departments that touch the common man at every point in his life; take, for instance, a villager. He will make you definite complaints regarding the Police and Honorary Magistrates. If you can tell him that you can take action in these departments, then he understands that you have got power. But if you tell him that it belongs to " Law and Order " and that it is a reserved subject, he wants to know what power you have got and what is " Law and Order ". He does not understand what is " Law and Order ". But he understands the Police Department and understands what the Honorary Magistrates do and what power they have.

Q.—Do you think it is possible now to successfully form parties without full responsibility ?

A.—At present ? I have repeatedly expressed the opinion that it is not possible to have the party system unless....

Q.—What is the main issue which is present in the minds of Members of the Legislative Council and the electorate now ? What is the main issue upon which the attention of Members of the Legislative Council is now concentrated ?

A.—At present ? Mostly fighting the Government in the Reserved Department.

Q.—Is there any difference of opinion between any members of any party upon that subject ?

A.—Not between members who take an active interest in politics. Of course, it is always possible for Government to get the support of a certain

number of Legislative Councillors—those who are backward in politics. I say so without meaning any offence to anybody.

Mr. Misra.—I may add one sentence from my experience. When a party is at present formed in the Council, either for the purpose of supporting or opposing a Minister, the difficulty arises in making that party take a different line of action with regard to the Government. If we say, "The party is there, it must follow a particular line of action with regard to the Ministers, that is to say, oppose the Ministers", then they say they must oppose the Reserved Subjects also. If a party says that its general policy ought to be that the Minister ought to be supported, then the party says, "We will support the Ministers and oppose the Executive Government". The actual difficulty arises in managing a party in such a way that it may support the Minister when it is proper to do so and oppose the Executive Government when it is necessary to do so. That is really the difficulty which comes in when we have to organise a party. They say, "Either oppose them all or support them all".

Q.—Is it practicable at all to make a very clear differentiation between the functions and responsibility of the two halves of the Government ?

Mr. Kunzru.—Personally I can think of no device by which such a thing can be done.

Mr. Misra.—They all overlap each other.

Q.—There is one question asked by my colleague with regard to allowances. Allowances are of a varying nature. There are house allowances, travelling allowances and various other allowances.

Mr. Kunzru.—Yes.

Q.—The character of these allowances and the amount to be paid with regard to these allowances may vary from time to time ?

A.—Yes.

Q.—For instance, in the case of house allowances, houses may be available at one time and they may not be available at another time and so on ?

Mr. Misra.—Even the travelling and halting allowances are liable to change from time to time. Only recently the United Provinces Council made a change in the travelling allowances.

Q.—Having regard to that, would it be expedient to fix the allowances for all time to come and to render them non-votable ?

A.—I have, therefore, said that there are allowances and allowances and distinction has to be made between different sorts of allowances.

Mr. Kunzru.—May I just give you an instance with regard to allowances which can be done away with ? In the United Provinces Legislative Council repeatedly has the question cropped up of an allowance of Rs. 10 a day given to the Chief Secretary while he is at Lucknow. No other Member received this allowance except three, the Chief Secretary to the Government of the United Provinces, and possibly the two Secretaries to Government in the Public Works Department. The Legislative Council has repeatedly protested against this allowance when for all practical purposes Lucknow is the winter headquarters of the United Provinces Government. But the United Provinces Government have not done away with the allowance. If we were to guarantee every member the allowance that he gets, it means that we regard such an allowance as justified.

Q.—You have no objection to giving fixity with regard to the salaries and making them payable out of a consolidated fund, so that it may not be subject to the annual vote of the Council ?

A.—I should have no serious objection. Only I would point out that we did not tamper with the salaries of other than all-India Services and there is no reason why we should be hard on any particular Service, or on any individual belonging to that Service.

Q.—You have no objection to giving fixity to the salaries and dispensing with the necessity for coming every year before the Council for grants with regard to salaries ?

A.—So long as the control of the Council was not absolutely taken away by legislation or anything of the kind, I would not mind doing anything which would remove, in my opinion, the unjustifiable apprehensions of the members of any Service regarding their future emoluments. We want to make them perfectly secure.

Q.—But do you think that there would be any attempt to cut down their salaries if there is no provision for security ?

A.—Personally, I think that when the departments have been transferred, you will not find a single member of the Legislative Council getting up and saying that the salaries of the existing members should be cut down. Such a thing I regard as quite impossible.

Q.—There will be less hostility to the Services after the introduction of full responsibility ?

A.—I do not think that there is any hostility. There is certainly criticism and severe criticism of the Services in certain respects, but the moment the Council realises that it is master I dare say its attitude will change, and it will not be one of severe treatment.

Q.—You think the relations would improve ?

A.—Yes, I have no doubt.

Mr. Misra.—I would like to add to this.

Mr. Kunzru.—The present opposition is due to the fear that the Services.....

(*Mr. Chairman*).—*Q.*—You are getting beyond the question.

Mr. Kunzru.—I was only trying to explain as to why there has been opposition.

Mr. Misra.—May I be allowed to add to this ? Once the Council secures the Services with regard to the salaries which it considers proper and reasonable—once that they have been secured and the matter has come under the scrutiny of the Legislature, then the Legislature would not like to interfere any further.

Q.—What I would like to know is whether the existing scales of salaries are likely to be cut down by the Legislature and the present members of the services are likely to be injured ?

Mr. Kunzru.—The scale may be cut down for future entrants, and there is no guarantee so far as that is concerned. The salaries of the present members will never be interfered with.

Q.—In paragraph 6 of your memorandum you say that the growing feeling of struggle is productive of suspicion and mistrust about the motives of the people on the part of the Government and those of the Government on the part of the people ? What is the struggle that you refer to ? Between whom ?

Mr. Kunzru.—Between people and Government so far as the administration of reserved subjects is concerned.

Q.—Yes, and do you think that there is any mistrust about the motives of the Government ?

A.—There is certainly a great deal of suspicion.

Q.—Is it in your opinion justified ?

A.—When I was a member of the United Provinces Council, I certainly felt serious doubts about action taken by the Police or by the heads of districts, and sometimes I have also placed my views before the Council.

Q.—You think there is distrust and justifiable distrust ?

A.—Well, I do think in many cases it is justifiable.

(*Mr. Chairman*).—*Q.*—In the opinion of your Association ? Are you authorised to say that ?

A.—Undoubtedly it is. My Association shares that view.

Q.—Can you give the causes of distrust ?

A.—You take me rather far afield.

Q.—With regard to the untouchables in your province, what is the attitude of the educated classes towards them ? Is that one of sympathy and desire to uplift, or is that one of antagonism or indifference ?

A.—It is one of sympathy and growing sympathy. Besides, the problem has neither been acute—so acute in the United Provinces as for instance in Madras or Bombay.

Q.—In your experience is there any instance of any action in the Legislature, administrative or legislative against the interests of the untouchable classes ?

A.—We have taken no action against the interests of the untouchables.

Q.—Apart from such negative conduct has there been any attempt on the part of the Legislative Council to do anything for uplift—for the education or other uplift of the untouchables ?

A.—I am not sure of the sum voted this year. But the Legislative Council every year used to set apart a certain sum for the education of the depressed classes. In the District Boards Bill we introduced a provision compelling the Government to nominate one member of the depressed classes to a district board where the depressed classes have not been able to get themselves elected to that Board. Thirdly, perhaps that does not come within the action taken by the Legislature. I was going to say that there was a member of the depressed classes in our Council and we approached him just in the same way as we approached every other member of the Council.

Q.—So far as you know, has more been done during the post-reform period or during the pre-reform period for the uplift of the depressed classes by the Council and the Government ?

A.—I think as the sympathy is growing, naturally a time comes when more and more measures are taken for the uplift of the depressed classes.

Q.—Has Government done more for the depressed classes since the reforms or before the reforms ?

A.—I can think of no measure passed before the Reforms with special reference to the depressed classes.

Mr. Misra.—May I add a little at this stage ? With regard to the attitude not only of the educated people but of the uneducated people in the United Provinces towards the depressed classes, I must say that their attitude has never been a hostile one. Even with regard to the temples which are situated in Ajodhya, Bénares and Muttra, where I have personally been a number of times on religious visits, I have never found any people of the depressed classes being excluded from visiting those temples. They have gone along with the rest of the *mela* as it is called, or with the rest of the crowd. With regard to the educated people, their attitude has been always one of growing sympathy.

Q.—Are you in favour of more subjects being transferred to the transferred half ?

Mr. Kunzru.—I am in favour of complete provincial responsible Government.

Q.—Do you think that if a subject like Forests were transferred to the Ministers, it would suffer in administration ?

A.—Not in the least. I think the Chief Conservator of the Government of the United Provinces, if a representative of the Finance Department of the United Provinces Government were to appear here, he would bear me out that the criticism of the Legislative Council in this particular department is most helpful. The expenditure has been reduced, and yet productive expenditure has not been cut down. The grievances of the people have been redressed and *kuli-utar,* a sort of forced labour in the hills, has been abolished.

Q.—Do you think that there has been any tendency to encourage denudation of forests and disafforestation ?

A.—None whatsoever. I cannot conceive of any Minister allowing such a thing.

Q.—What do you think would be the attitude of the Council towards a subject like irrigation and land revenue ?

A.—So far as irrigation is concerned, we have frequently tried to impress on Government the need for giving adequate water to the cultivators, and there is no action taken by the last Council in regard to irrigation that showed that it would be unmindful of the interests of the cultivators.

Q.—But would it be equally mindful of the interests of public revenue ?

A.—Do you ask whether irrigation rates would be raised when necessary ? Yes, when absolutely necessary, they would certainly be raised. But nobody can give a guarantee that it would be raised to the extent to which the Government of the United Provinces raised them at one stroke, by 22.75 lakhs.

Q.—There may be legitimate differences of opinion on the point, but there would be no tendency to cut down the public revenues ? You do not expect any serious tendency to cut down public revenues derived from irrigation and land revenue ?

A.—Assuredly not.

Q.—What has been the attitude of the Councils and the educated people towards the Universities ? Has there been any attempt to lower the standards of University education ?

A.—Not so far as I know. In fact, we tried to spend more and more money in order to raise the standard of University education. That is at the bottom of the new University legislation.

Q.—Is it a fact that there is a competition for students among universities and that they wish to attract students by lowering the standards ?

A.—It is much too vague a statement. If anybody were to come forward with definite statements of fact I think I would be able to give effective replies.

Q.—You do not think that there has been any lowering of standards ?

A.—Assuredly not.

Mr. Misra.—I should like to add here. Being a member of the Executive Council of the Lucknow University which was established only in the year 1920, I may be allowed to say that there has been no attempt whatsoever on the part of the Lucknow University—rather the attempt has always been to see that our degrees may receive a fair recognition at the hands of the Government and at the hands of the public. So, if anybody says that there has been an attempt on the part of the newly created University to lower the degrees and thereby to attract students, it is an entirely unfounded charge.

Mr. Kunzru.—As a member of the Executive Council of the Allahabad University, I may say that the outside colleges have been protesting against the undue haste with which they think we are raising the standards of University education—the outside colleges, that is, colleges that are not in Allahabad.

Q.—With regard to the allocation of revenues between the reserved and transferred departments, has there been any friction so far as you are aware ? Or have the transferred departments got all that they wanted ?

Mr. Kunzru.—There has certainly been a certain amount of dissatisfaction, but if you want information in detail, I think you may be able to get it from the Minister in charge.

Q.—Are you in a position to state whether the reserved departments have fared badly under the arrangements of financial distribution ?

A.—I do not think so, because we have at times tried to cut down grants for certain reserved departments. We should not have done that if we thought they had got less than what they wanted.

Q.—That attempt to cut down—was that a justifiable attempt ?

A.—Yes, we, in certain circumstances, did cut down expenditure.

Q.—Did you cut down the expenditure to limits which were not justifiable ?

Mr. Misra.—We never touched or tried to cut down the expenditure on the reserved subjects because they were reserved subjects.

Q.—Has primary education really made any advance under the Reforms scheme ?

Mr. Kunzru.—In 1923, 12 or 13 cities had applied for permission to make primary education compulsory. I am not sure of the number, but I think it was about that.

Q.—But I understand that the increase of attendance is more or less nominal. Is that so ? Do you know anything about it ?

A.—I do not know. But undoubtedly a great deal of expenditure was incurred in increasing the salaries of teachers and so on.

Mr. Misra.—Local bodies themselves realised that they were not in possession of sufficient funds and, therefore, they experienced difficulty in making education compulsory.

Q.—I understand that Rs. 40 lakhs was devoted to primary education in one year ?

Mr. Misra.—It was not on compulsory education ; it was on primary education.

Mr. Kunzru.—The salaries of teachers absorbed a large part of the amount.

Q.—Has Municipal administration deteriorated in the United Provinces under the Reforms ?

Mr. Kunzru.—I should not think so. I think the complaints are much the same as they used to be in previous years.

Q.—Are you sure that there has been no deterioration in Municipal administration ?

A.—Not in Municipal administration as a whole. I know of certain cities against which there have been loud complaints.

Q.—Benares ?

A.—I would not name the cities and perhaps justifiably. There was never a time when there was no complaint against some city or other ; and the Benares complaint is a long-standing one. It is due to things which occurred before 1921.

Q.—Do you think that it is possible to continue the present system without introducing responsibility ? What is your experience ?

A.—It is possible to continue, but not without friction and endless friction.

Q.—And the friction will increase ?

A.—Yes.

Sir Arthur Froom.—*Q.*—Pandit Gokaran Nath Misra, I think you told the Committee that your Association numbers 400 to 500. Are they all educated class of members ?

A.—Almost all of them are educated.

Q.—Have they a vote ?

A.—Every one of them.

Q.—What is the total number of electorate of the United Provinces ?

A.—15,09,127 ; roughly a little over 15 lakhs.

Q.—And out of that electorate your membership totals 500 ?

A.—It is so.

Q.—And so if you put 15 members into your Legislative Council, you would do very well ?

A.—Yes.

Q.—Who wrote this Memorandum ?

A.—This was written by two members of our Association. It is not necessary that I should name them.

Q.—No.

A.—It was written originally by two members of the Association; then it was placed before the general meeting of the Association and it was then passed and submitted.

Q.—I want to know whether a small committee of two drew up this Memorandum and then it was put before the committee with the knowledge of all members of your Association.

A.—Yes, one of the members who drew up the Memorandum had experience of the Legislative Council of the pre-reform days.

Q.—I said that your Association formed a small committee of two to draw up this memorandum. Having drawn it up, it was approved by all the members of the Association. Did you two gentlemen attend the meeting of the Association ?

Mr. Kunzru.—I was not present at the meeting at which this was accepted by the Association.

Q.—Did you approve of it ?

A.—Yes. I approve of it. I mean the general lines.

Q.—I think that your Association is in favour of full provincial autonomy ?

Mr. Misra.—Yes.

Q.—I think you stated that in your opinion the United Provinces was ripe at the present time for full provincial autonomy ?

A.—I said so.

Q.—May I take you to paragraph 4 of your memorandum ? You say " Before the passing of the Government of India Act of 1919, India had had some experience of self-governing institutions ". What self-governing institutions do you refer to ?

Mr. Misra.—Local boards, district boards, and also to some extent the local Legislative Council.

Q.—The old Legislative Council ?

A.—Yes, I mean the pre-reform days.

Q.—And Municipal Boards have now very extensive powers under the Act of 1916 ?

A.—Yes.

Q.—Have Municipalities improved under the revised Municipal Act ? Do you consider they have made much headway ? I do not want to be critical. You may give your opinion in a very few words.

A.—They have made progress in many Municipalities. In some Municipalities owing to want of funds they have not been able to make much progress.

Q.—I read a statement the other day that Municipalities had been extraordinarily extravagant and had squandered money ?

A.—Some of them have.

Q.—So Municipalities have not necessarily improved by having autonomy ?

A.—On the whole they have.

Q.—In paragraph 8, your Association very fairly refers to certain objections against self-government for India and one of them you point to is the Hindu-Mussalman disputes. Have you any particular views as to communal representation ? Are you in favour of it or against it ?

A.—I am in favour of a general electorate allotting seats to Muhammadans ; but as the Muhammadans in the United Provinces would not accept the general electorates and would insist on separate electorates, therefore, we in the United Provinces are quite ready to accede to the Muhammadans their separate electorates and we do not want the separate electorates to be touched. Only in the Municipalities they were given separate electorates in the Act of 1916 during Sir James Meston's time. In the new District Boards Act, which was passed in 1922, we have given them separate electorates also.

Q.—I am referring to the Legislative Council and therefore please confine yourself to the Legislative Council. You then are in favour of communal representation ? I mean your Association ?

A.—We do not want in any way to do away with it.

Q.—In the same paragraph you say with regret that there are differences between the Hindu and the Mussalman communities but you hope they would be removed as years go on. But do you think that if self-government were given now to the United Provinces, then these differences would disappear, or would they increase ?

A.—My position is.....

Q.—Can't you give your opinion in two words ?

A.—I am only framing a sentence in order to embody my opinion. That is all that I am doing. I have not got ready-made answers.

Q.—Please go on.

A.—The disputes would undoubtedly exist for sometime. They would not increase, they would decrease. But the more the people of the two communities are brought together and they realise that the administration of their affairs is entirely in their hands, I think after a time the differences would disappear.

Q.—And you do not think that if there is power to be secured, there would not be increased struggle for it between the two communities ?

A.—There would be struggle for getting that power. I cannot deny that. But I think after a time things would adjust themselves.

Q.—In paragraph 9, Pandit Sahib, you refer to the education of the people. You say that rapid political education of the people will only come with a larger transference of power and you recommend that the transference of power should be given and the education of the people will come ?

A.—That is so.

Q.—That is the view of your Association ?

A.—Yes.

Q.—Don't you think it is putting the cart before the horse ?

A.—They are interdependent. You cannot separate one from the other.

Q.—You suggest that political education of the people will follow the transference of power or rather you recommend that transference of power should come and that will help education of the people. My question was won't you consider it putting the cart before the horse ?

A.—I have already answered that the two things are interdependent. If you consider that power should only be given when the electorates are thoroughly or ideally educated, that is an impossible position to achieve.

But if you will give them, situated as they are, the power and the responsibility, then education will follow as a matter of course, and after a time you will find that they are as sufficient educated as they ought to be.

Q.—Political education of the people or say of the electorate will be acquired possibly from mistakes of the members of the legislative council ?

A.—Certainly that would be one of the elements too.

Q.—In paragraph 10, your Association states that it is possible to multiply arguments against further constitutional advance, but you do not advise India to wait till 1929 ?

A.—No.

Q.—You admit there might be some objections, but you do not think that the objections are such that you should wait till 1929 ?

A.—Quite so.

Q.—In the opinion of your Association, are the objections which existed in 1919 and 1920 less in 1924 ?

A.—Yes.

Q.—Under the present system ?

A.—Yes.

Q.—You do not think that they might conceivably become very much less in 1929 if the existing system is continued ?

A.—I doubt very much.

Q.—Your opinion is that you have come to the parting of the ways and there will be no further improvement ?

A.—Yes, no further improvement now is possible.

Q.—Your Association says in paragraph 14 : " The Association would, therefore, separate the civil administration from the military and political and foreign departments and would make the Government of India wholly responsible to the legislature in respect of the former." Would you leave to the Governor-General the power of veto ?

A.—Yes, certainly.

Q.—Then if the Government of India were defeated on any particular civil administrative act, will they have to resign ?

A.—Yes ; they will have to resign.

Q.—Now I come to part IV of paragraph 18 of your Association's Memorandum. It is stated there that even in the initial stages of the attempt to progress towards responsible government, it is not desirable that the members of the permanent services should have any controlling voice in the shaping of Indian policy. Am I to understand from it that Indian politicians in your province do not wish in any way to avail of the extraordinary capable experiences of the permanent Service ?

A.—The people of my Province fully wish to avail themselves of the experience of the class of that able body of Service known as Civilians. But they only wish to bring out that the predominant or determining voice should rest with the representatives of the people.

Q.—But here you say that you do not want them at all ?

A.—We have only stated " controlling voice ".

Q.—Then you do not want them to be numerically superior ?

A.—With regard to that, opinions differ. Some of the members of the Association feel that there is no necessity now for the officials to be in the local Council. Some of the members feel that there is necessity for a limited number of them to remain in the Council. All, however, favour the view that they should not have the power to vote.

Q.—Then they will go there as mere ornaments ?

A.—My Association would certainly not take up that attitude. They will be in the Council to enlighten the members of the various details of administration.

Q.—Then you will have the official members who will be able to make speeches but will not have the right to vote ?

A.—Yes.

Sir Tej Bahadur Sapru.—*Q.*—That is what the Members of the Governor-General's Council do.

Q.—Now, please refer to part VII of paragraph 18. There you say that " In the opinion of this Association there does not seem to be any good reason why any item of expenditure should be excluded from discussion or so many items from voting by the Legislative Assembly." Then you go on to qualify it by saying, " Should the Assembly at any time so treat any part of the budget as really to weaken the efficiency of the army or imperil the safety of the country, there would be every justification for the exercise of the power of certification by the Governor-General ". So your idea is that army expenditure should become votable ?

A.—Yes. The idea of my Association, which has not been clearly put, is that there ought to be a certain sum, say, 50 crores of rupees, which should ordinarily be considered as sufficient for the management of the Army. Any item beyond that sum should be votable.

Q.—How have you arrived at 50 crores ?

A.—We have taken that figure from Lord Inchcape's report.

Q.—You do not take the opinion of the Commander-in-Chief ?

A.—The Commander-in-Chief, after all, is the head of the Army and his opinion would not be disinterested.

Q.—Would you like to leave the army alone ?

A.—Certainly ; but we want that its expenditure should come up for discussion and should be votable beyond a particular limit.

Q.—Suppose you have fixed it at 50 crores. The Commander-in-Chief says that he wants 5 crores more. This amount comes up before the Assembly for its vote and it throws it out. The Governor-General is convinced of the Commander-in-Chief's just demands and he certifies it. Do you think that is a better arrangement than having no vote at all ?

A.—I think that is a better arrangement because the Viceroy will think twice before certifying it when the Legislative Assembly has given its adverse vote.

Q.—Now I will refer to paragraph 19. You say there " From what the Association has been able to gather, there is no active co-operation between the two halves of the Government ". That does not condemn dyarchy, does it ? That is the fault of the Ministers who worked it ?

A.—The Ministers cannot be held responsible for this want of co-operation.

Q.—You say that there has been no active co-operation. The fact that there has not been active co-operation is not the fault of dyarchy ?

A.—Dyarchy itself was not considered from the very beginning when it was introduced to be an ideal thing. It was only meant to be for a transitional stage.

Q.—Then I come back to my first question. Your Association recommends full provincial autonomy as soon as possible ?

A.—It does.

Q.—Would you recommend that for all the provinces in India ?

A.—I would not try to vouchsafe my opinion for all the provinces. I am only concerned with my own province.

Q.—Your province may be better than any other ?

A.—It is for the Committee to consider and the Government of India to decide.

Q.—At any rate your principle is that those provinces which are sufficiently advanced should have provincial autonomy ?

A.—Yes. My personal opinion is that all the provinces are sufficiently advanced.

Q.—They can make their own laws and levy taxes ?

A.—Yes.

Q.—Can you visualise that there may be difference of opinion ?

A.—I can see that.

Mr. Kunzru.—May I say with regard to paragraph 18 (IV) that we do not want the members of the permanent services to be Governors or Executive Councillors. That is what we mean by saying that they should not have any controlling voice in the shaping of Indian policy.

The Committee then adjourned for Lunch till 3 O'Clock.

The Committee re-assembled after lunch at 3 P.M.

The Hon'ble Sir Alexander Muddiman in the Chair.

Examination of Messrs. G. N. Misra and H. N. Kunzru continued.

Examination by Sir Tej Bahadur Sapru—(contd.).

(*Sir Arthur Froom*).—*Q.*—May I ask whether Sir Tej Bahadur Sapru, being President of the Association, wishes to examine on this Memorandum ?

Sir Tej Bahadur Sapru.—I shall put a few questions with regard to the United Provinces only.

(*Mr. Chairman*).—*Q.*—I must leave it entirely to your discretion.

Sir Tej Bahadur Sapru.—I was not going to ask a single question about the Association.

Q.—(to Mr. Kunzru). Will you please tell the Committee what you think is the leading feature of the population of the United Provinces ?

A.—The most important thing that strikes me about it is the oneness of language.

Q.—Am I right in saying that the United Provinces are about the only Province in India where one language is spoken from one end of the Province to the other ?

A.—Perhaps the Punjab is equally homogeneous, but certainly Bombay and Madras and the Central Provinces are not as homogeneous as the United Provinces in that respect.

Q.—You will recognise that there is a slight difference in the Eastern and in the Western districts, but it is practically the same language. A man from Gorakhpur might go to Saharanpur and he would make himself understood ?

A.—Quite easily.

Q.—So far as the Hindu population is concerned in the United Provinces during the past several hundred years, since Moghul times, there has been a common culture there barring religious matters. Do you agree with that proposition ?

A.—I do. United Provinces has been affected more by Muslim culture than any other Province.

Q.—Taking for instance towns like Lucknow, Agra, Cawnpore, Meerut and the whole of the Lucknow division, do you agree, in point of culture, language and mode of living, the Hindu and Muhammadan population there are much nearer to each other than in any other part of India ?

A.—They are very near one another. I am not competent to make comparisons. And it is the same, if I may say so in the Eastern districts.

Q.—Now leaving behind for the time being the towns, do you, in connection with your work on the *Seva Samiti,* come very much into contact with the rural population ?

A.—I think I am fairly in touch with the people living in the rural areas.

Q.—Is the work you do on behalf of the *Seva Samiti* in your Province confined only to the urban population, or does it extend to the rural population ?

A.—It does extend to the rural population. We work in the Allahabad district ; we have schools there and dispensaries there.

Q.—So far as this work in the rural population is concerned, do you make any distinction between the upper classes and the depressed classes ?

A.—None whatsoever, and not merely I.....

Q.—I am talking of the *Seva Samiti.*

A.—I am in a position to say that no member of the *Seva Samiti,* not even a temporary volunteer, has ever made any difference between a man of the upper and lower classes.

Q.—Will you please tell the Committee what the *Seva Samiti* is ; what is its organisation and its strength ?

A.—The *Seva Samiti,* translated into English, would mean Social Service League, and its objects are sufficiently indicated by its name. It has nothing to do with politics and we have in it political men, Government servants, students and all other people who are willing to take part in humanitarian work.

(*Mr. Chairman*).—*Q.*—Is it confined to your Province ?

A.—No, it has branches elsewhere, but the headquarters is at Allahabad, and I may say that its work has been recognised by the authorities inasmuch as the Government of the United Provinces gives a grant to it.

Q.—What is the total strength of your membership in the *Seva Samiti* ?

A.—I could not say, but we have branches in a number of districts; it is a movement which has caught on, partly because of our social work in the rural areas and partly also on account of the boy scouts movement, which is also a part of our social work.

Q.—And you are also interested in the boy scouts movement ? What is the office you hold there ?

A.—I call myself Chief Commissioner there; the Association calls me Chief Commissioner. I am free to say that I take a keen interest in the movement.

Q.—Now, so far as the *Seva Samiti* work is concerned, may I take it that it is a symptom of the growing desire on the part of the educated classes to do social work among people of all classes ?

A.—When we have wanted volunteers, even when we have wanted 800 or a thousand volunteers, schools and colleges have offered themselves in unlimited numbers.

Q.—On what occasions have you wanted these volunteers ?

A.—There was the *Kumbh* at Hardwar in 1915 and the *Kumbh* at Allahabad in 1917, and the six-yearly *Kumbh* this year, and we went also to the *Kumbh* at Nasik, and at Kurukshetra there was a fair more than a year ago.

Q.—Will you please tell the Committee further whether you or anybody of public men associated with you have done any special work in connection with the depressed classes particularly ?

A.—Do you mean members of the Servants of India Society ?

Q.—Members of the Servants of India Society or the *Seva Samiti* or anybody else.

(*Mr. Chairman*).—*Q.*—Are you a member of the Servants of India Society ?

A.—Yes.

(*Sir Tej Bahadur Sapru*).—He is President of it in the United Provinces.

(*Mr. Chairman*).—*Q.*—That is a political Society ?

A.—Yes.

Q.—Have you done any work in connection with the depressed classes ?

A.—So far as the United Provinces are concerned, we have started schools for them.

Q.—In how many districts ?

A.—It depends on the local organisation, but there are a number of districts in which there are schools for the depressed classes, but we make a special feature of it in Allahabad itself, and we have also tried to discourage the habit of drinking among them at the *Holi* festival and other occasions. In the Bombay Presidency they have devoted attention to debt redemption, particularly among the sweeper class, and also to co-operative credit work.

Q.—What is the nature of the work among the depressed classes ?

A.—*Chammars* are under some disabilities in the western districts; they are not allowed to draw water from the same wells, but generally speaking there is only the *Bhangi* class which is treated as the depressed class.

(*Mr. Chairman*).—*Q.*—Would you not call the *Domes* a depressed class ? I know of people who, if they were touched by *Domes*, would not go and bathe, but the *Bhangi* is on a different level. I think that is greatly due to Muhammadan influence.

Q.—Are you alive to the importance of this question ? Are the politicians in the United Provinces alive to the importance of the question, or are they shutting their eyes to it ?

A.—I think the movement for the uplift of the depressed classes is pretty strong in the United Provinces at any rate in these days.

Q.—You are not what I would call an orthodox Hindu ?

A.—Far from it, I should think.

Q.—May I ask you whether you are an orthodox Hindu (to Pandit G. N. Misra) ?

A.—Yes.

Q.—But you sat in the same Council and on the same benches with a *Chamar* Member who was nominated by the Government ?

A.—I go even further and say I held meetings with them at the time of the *Holi* when I embraced the *Chamars*.

Q.—And I suppose you did not bathe afterwards ?

A.—Certainly not.

Q.—I put it to you that it is part of the inheritance of us Hindus—I believe the Hindu law lays down—that there are certain kinds of impurities which have been prescribed—I am not justifying them, for myself I think it is all wrong ; but I want to tell the Committee whether there are not certain kinds of impurities which are prescribed by the Shastras and Hindu Law, not only in the case of depressed classes but also in the case of the upper classes ?

A.—There are.

Q.—On certain occasions ?

A.—Yes, on certain occasions.

Q.—And this question of the depressed classes—that is my view, you are not supposed to agree with me ; if you do, say so—and this question of the depressed classes historically speaking is an expansion, a development of that doctrine ?

A.—First of all, I will say yes, and then I will add another sentence, and that sentence is the Hindu Lawyers have got an idea that unless a Hindu lived in a particularly clean way, he was not to be your companion, and the whole of these depressed classes have arisen because they lived in an unclean way.

(*Mr. Chairman*).—*Q.*—I would like to put one question. Are you suggesting that all the depressed classes are Hindus at all ?

A.—They are all Hindus.

(*Mr. Chairman*).—*Q.*—Would you call a *Gayadome* a Hindu ?

A.—Yes, I would call him a Hindu.

(*Mr. Chairman*).—*Q.*—Does he call himself a Hindu ?

A.—Yes. He also calls himself a Hindu.

Q.—May I supplement your question (to Chairman) by bringing out a particular phase of Hindu society ?

Now in the United Provinces has it come to your notice as a practising lawyer that there is a tendency among the lower classes to elevate themselves by describing themselves as people of the higher classes ?

A.—Everybody knows there that men of the lower classes are now trying to get into the higher classes. Some, who belong to the Vaishyas claim to belong to the Brahman class, while people of the Shudra class claim to belong to the Kshattriya class.

Q.—Take for instance the *Kurmis* in the United Provinces ?

A.—Yes, the *Kurmis*, the *Ahirs*, the *Kayasthas* and other such classes all call themselves Kshattriyas.

Q.—Now do I take it to be your view and the view of the educated classes in the United Provinces generally that everything should be done under the constitution to protect the interests of what are called the depressed classes ?

A.—Our constant effort has been to do that.

Q.—And supposing that the constitution provides for special protection of the depressed classes, would you welcome or resent it ?

A.—Welcome it very gladly.

Q.—Now coming to the Hindu-Muslim problem in the United Provinces, am I right in assuming that the Muhammadans, though a minority in the United Provinces, represent the best culture of Muhammadan days in the United Provinces ?

A.—They do.

Q.—And although a minority they are very influential in certain parts of the United Provinces ?

A.—They are.

Q.—Particularly in Oudh and Rohilkhand. And am I right in assuming that such differences as have arisen between the Hindus and Muhammadans in the United Provinces during recent years have been over these political issues for instance, representation in legislative bodies or local bodies, or representation in the public services ?

A.—To some extent it has been due to that, but to a great extent this tension has been noticed in the western districts of the United Provinces where there was a reflection from the Punjab.

Q.—So it is really an infection which we have caught from the Punjab ?

A.—I should like to say so provided I do not offend the Hon'ble the Law Member.

(*Sir Muhammad Shafi*).—I have been away from the Punjab for the past 5 years !

Q.—Then I put it to you, could you tell the Committee when the United Provinces Municipalities Act was passed ?

A.—In the year 1916 under Sir James Meston's Government.

Q.—And at that time the Muhammadans stood out for separate representation in the Municipalities ?

A.—They did.

Q.—There were some Hindu Members who supported the Muhammadan demand ?

A.—There were—amongst them your own honourable-self.

Q.—And perhaps you will agree that those Hindu members came in for a lot of blame in the press ?

A.—They did—yourself and Pandit Moti Lal Nehru, who fought for the Muhammadans getting separate representation.

Q.—And am I right in saying that even the " Leader " of the Moderate party criticised those Hindu members ?

A.—Yes, criticised them very sharply too.

Q.—But is there any movement among the Hindus now to take away such privileges as the Muhammadans obtained under the Municipalities Act, 1916 ?

A.—None whatever.

Q.—They are quite reconciled to that ?

A.—Quite reconciled.

Q.—And they have been working that Act ?

A.—Yes.

Q.—Then in the reformed Council you passed a District Boards Bill ?

A.—Yes, that was in 1922.

Q.—This question of separate representation came up again then ?

A.—It did.

Q.—The Muhammadans demanded separate representation ?

A.—They did.

Q.—What was the attitude of the Hindu members in the Council ?

A.—We never opposed it.

Q.—Were the Muhammadans satisfied with the amount of representation that you gave them ?

A.—Well, they were not quite satisfied ; they wanted to go over the 25 per cent. which was the percentage given to them by the Committee appointed by Sir Harcourt Butler's Government to decide what ought to be the constitution of the district boards and the percentage to be given to the Muhammadans.

Q.—And that Act has been working since 1922 ?

A.—The first elections came on in 1923. It has been working all right.

Q.—And the Muhammadans are quite reconciled to it now ?

A.—The Muhammadans are quite reconciled to it.

(Sir Muhammad Shafi).—Q.—As the result of this arrangement in the United Provinces the periodically recurring cause of friction provided by mixed electorates has ceased to exist ?

A.—I think it has.

Q.—Now Pandit Gokaran Nath, I put it to you that if, as a preliminary to any further advance, it was considered necessary that the Hindus and Muhammadans should settle their differences even though it might involve sacrifice upon one side or the other, you would be prepared to accept such settlement, or would you rather wreck that settlement and have nothing to do with the Muhammadans ?

A.—As a well-wisher of my country, I would be the first man to sacrifice anything to get the Muhammadans on our side.

Q.—Does that represent your view or the view of the Hindu Community of the United Provinces generally ?

A.—Except for some of the die-hards in the Hindu community, the rest of the educated members of the Hindu community who are for an

advance in the constitutional progress of their country are all of the same opinion.

Q.—You recognise that die-hards never die ?

A.—I do not think they do anywhere.

Q.—Neither in this country nor in Europe ?

A.—Quite so.

Q.—Well then I will pass on to another question. Will you please tell the Committee what exactly has been the trouble between the landlords and the tenants in the United Provinces during the last 3 years ? On what issues have they been divided ? Please tell us very briefly whether it hasn't been the case of the tenants that they want greater security of tenure and fixity of rent ?

A.—That was the very reply I was going to give. For a long time past the tenants complained against the system of ejectment which prevailed in Oudh and there was no security of tenure. A tenant might have held his lands for three generations or for the matter of that for over a century but he could be turned out.

Q.—To remove all these grievances I think the United Provinces Government introduced a Bill in the Council ?

A.—That is so.

Q.—Am I right in assuming that that caused a rupture between the Moderate party on one side and the landholders at that time ?

A.—I should not say a rupture—a difference of opinion.

(*Mr. Chairman*).—*Q.*—Are there no landlords among the Moderates or no Moderates among the landlords ?

A.—Yes there are, I myself am a landlord.

(*Mr. Chairman*).—*Q.*—Do you belong to the Moderate party ?

A.—I belong to the Moderate party.

(*Mr. Chairman*).—I just wanted to make that clear.

Q.—Well, there was some difference of opinion you say. Now will you please tell the Committee what was the attitude of the moderate politicians and the educated politicians generally in the legislative Council in regard to the tenants ?

A.—Their attitude was merely to try to obtain some security of tenure for the tenants.

Q.—And you will admit that the Bill, which was passed by Sir Harcourt Butler's Government was certainly an improvement on the position as it was until that time ?

A.—A very great improvement, because the Bill as it was introduced in the Council and as it was passed, gave a life tenancy to the tenant whereas previously he had only a 7 years' lease. What we tried to do was that he should have a limited hereditary right to his holding.

Q.—Now I am told—I do not know whether it is right or wrong—I am told there is a feeling of apprehension among the landlords in the United Provinces that unless their rights are protected they may be swamped in the Councils by the tenants. Is that true ?

A.—I do not think there is any chance of that for a long time.

(*Mr. Chairman*).—*Q.*—They will in the end ?

A.—Well in the end ; the landlords themselves realize it and everybody else realises it. In the Lucknow rural constituency, for instance, the landlords' votes number 2,000 to 3,000 ; the rest are tenants.

(*Mr. Chairman*).—*Q.*—But I suppose you will agree with me that even among the landlords there is a fairly appreciable section who are alive to their responsibility towards their tenants. Their feelings towards their tenants are changing ?

A.—Their feelings are changing as will be apparent from the attitude of one member of the Local Government Nawab Sahib of Chhatari.

(*Mr. Chairman*).—*Q.*—Now perhaps you will tell the Committee what you did in your own individual capacity at the time of the election and afterwards to educate the electorate—how many meetings did you organise, how many meetings did you address ?

A.—I will tell you exactly. In the election of 1920, I addressed not less than 54 meetings, leaving no important village in my constituency, it being the district of Lucknow, where I did not address a meeting. After the Council elections were over, and I was returned to the Council, every year during the winter season I used to go round in my constituency and tell the people what were the things done for them in the Council. When the Oudh Rent Act Bill was before the Council, a number of meetings were organised by me asking the tenants as to how far they were prepared to accept the legislation introduced in the Council and how far they would like it to be amended, and many of the amendments, which I moved in the Council, were dictated by the view which the tenants themselves expressed.

Q.—Roughly speaking, how many thousands of tenants do you think you addressed before the election of 1920, and during the three years that you were in the Council ?

A.—I will tell you exactly. The average number of tenants which attended my meetings held before the election of 1920, were somewhere between 400 to 500. If you multiply that by 54 you will get over 20,000. The number of tenants whom I addressed during the three years that I was in the Council was about 10 to 15 thousand.

Q.—Mr. Kunzru, when you were a Member of the Council, am I right in assuming that it was a uniform practice of yours to go to your constituency to address your electorates ?

A.—I was slack in the first year, but I made it up subsequently.

Q.—What was your constituency ?

A.—Muzaffarnagar.

Q.—Did your constituency consist mainly of rural population or urban population, or was it a mixture of both ?

A.—It was mainly rural. The town of Muzaffarnagar is a very small town.

Q.—Will you please indicate to the Committee the nature of the subjects on which you addressed your constituency ?

A.—There was no limit to the subjects.

Q.—What was the class of subjects ?

A.—Sometimes I spoke to them about military questions, sometimes about irrigation.

(*Mr. Chairman*).—*Q.*—Are you a Member of the United Provinces Council now ?

A.—I am not in the United Provinces Council this year.

(*Sir Tej Bahadur Sapru*).—He stood for the Assembly and he was defeated.

Q.—Will you please tell the Committee what were the subjects on which you generally addressed your meetings ?

A.—There was not limit. I spoke to them sometimes about the transferred subjects, sometimes about the reserved subjects, sometimes about the military question, and I can say that even so far as the military question was concerned, they followed it intelligently. Of course, not in the way in which educated people would, but they perfectly understood the injustice, for instance of not giving commissions to people who represented those who had been sent from the various districts to France and other places.

Q.—With regard to transferred and reserved subjects, did you find people taking an intelligent interest in the issues that you explained to them, or were they simply mute and never put to you any intelligent question ? What was your experience ?

A.—On subjects which touched their life in any respect they followed the speaker intelligently, but if the speaker began talking about responsibility and things of that kind, using English language or high-flown Persian, then of course they ceased to take an interest.

Q.—Did they have any conception of law and order ?

A.—They had a very good conception. They understood what was meant by the Police and Honorary Magistrates and Collectors and Deputy Collectors.

Q.—Now, Pandit Misra, I suppose you can speak the villages' vernacular with great facility and ease ?

A.—I always addressed them in their own vernacular.

Q.—Not in the high-flown vernacular of Lucknow—Urdu ?

A.—Never.

Q.—What was the nature of the subjects on which you addressed your constituency ?

A.—I addressed them on the Oudh Rent Act. I addressed them on the District Boards' Bill, I addressed them on several other matters which were before the Council, for instance, excise questions and the settlement questions. There was a Settlement Committee appointed in my province. I addressed them on questions relating to the Jury and so on. But whenever I addressed them with regard to transferred and reserved subjects, they said, " We cannot understand this difference. What is the difference between transferred and reserved subjects ? "

Q.—Did you ever make any attempt to explain to them the currency policy of the Government of India ?

A.—No, that I never did. I thought that it was no use. It was not within my domain. I never understood it myself.

Q.—Speaking with all respect, of the Members of your Council I suppose there were not many who can understand the currency policy of the Government of India, or for the matter of that, of the Local Government ?

A.—I can safely confess that I myself did not understand to its fullest extent the currency policy of the Government of India.

Q.—I put it to you, from your experience of these electorates are you in a position to say that the fact that the electorates were not all

of them literate or educated to any high degree prevented them from appreciating such issues as you were able to explain to them in their own language ?

Mr. Kunzru.—None whatever. I think, on the whole, they understood provincial subjects well.

Mr. Misra.—That is my experience too.

Mr. Kunzru.—It depends on the manner of explanation.

Q.—If you were asked as a politician to follow the good example of the English people to wait for 300 years until you got further reforms, what would be your attitude and what would be the attitude of your countrymen of all sections, according to your knowledge ?

Mr. Kunzru.—They would be united in opposition to such a notion. There would not be a single man on the side of Government if they took up that attitude.

Q.—Now, in answer to a question by Sir Sivaswamy Aiyar, you said that you found a great deal of mistrust of the Government ?

A.—Yes.

Q.—Can you tell the Committee in what respect that mistrust was ? What was it which caused the mistrust of Government ?

A.—The main thing, leaving aside the question of expenditure, was really the Police and district administration.

Q.—I suppose you are not very much in love with dyarchy now.

A.—I never was. As I said, we accept it only as a measure of political expediency.

Q.—Is it your suggestion that dyarchy should go ?

A.—Certainly.

Q.—Am I right in assuming that you are an out-and-out advocate of provincial autonomy ?

A.—Certainly, that is, responsible government in the provinces.

Q.—When you talk of responsible government in the provinces or provincial autonomy, what is at the back of your mind ? Do you want to get rid of all control of the Government of India in regard to all matters ?

A.—We certainly do not want the provinces to be so many independent States. There must be a common authority for them, and that common authority can only be the Government of India and the Imperial Legislature.

Q.—Would you reserve the power of legislation with regard to penal laws to the Central Government or the Central Legislature ?

A.—I would.

Q.—And you would not do away with the veto of the Governor or the Governor-General ?

A.—It cannot be done away with in any system of constitutional Government.

Q.—And in regard to matters affecting more than one province, you would allow the Central Government and the Central Legislature to step in ?

A.—Of course.

Q.—Therefore, am I right in assuming that by provincial autonomy, what you understand is that the functions which are at present discharged partly by Ministers and partly by Members of the Executive Council should, in future, be discharged by the responsible Ministers owing responsibility to the Legislature, subject to certain safeguards in the Statute vested in the Central Legislature or the Central Government ?

A.—Quite so.

Q.—With regard to the Central Government, what is it you mean by responsibility in the Central Government ?

A.—For the present, we do not ask that the Army, Foreign Affairs, and Indian States should be under responsible Ministers, but the rest of the subjects should be. But even so far as these three excluded subjects are concerned, we do not wish that the Legislature should have absolutely no control over them whatsoever. I think we should be free, for instance, to ask questions even about foreign affairs, and that we should be able to move Resolutions in regard to the Army. We can do that even now.

(*Mr. Chairman*).—*Q.*—One point about Indian States. You are aware that Indian States are not part of British India ?

A.—I did not say anything subsequently about Indian States. We want to have questions put about foreign affairs. About Indian States, there are occasions when the People of the Indian States and British subjects in British India come into collision and I think that the Assembly ought to be allowed some measure of interference.

(*Mr. Chairman*).—*Q.*—You said something about reserving such subjects as Indian States. I put it to you that Indian States are not part of British India.

A.—The Indian States are under the Government of India which we wish to take over.

(*Mr. Chairman*).—*Q.*—Do you wish to take over the administration of Indian States ?

A.—When we take the matter completely in our hands, naturally we shall deal with Indian States.

(*Mr. Chairman*).—*Q.*—I put it to you that the Government of British India is not the same as the Government of India as a whole. Is it your idea that at some future date the British Legislature for British India should step in and have control over the Indian States ?

A.—It will not pass legislation in regard to them, but it will certainly deal with them in the way in which, for instance.....

Q.—I only wanted to get your opinion.

A.—I do not contemplate that the British Indian Legislature would legislate for the people in the Indian States, unless of course the States themselves want it.

(*Sir Muhammad Shafi*).—*Q.*—You said in reply to Sir Tej Bahadur Sapru just now that you would even then like to have the right of moving Resolutions with regard to defence and foreign policy. Supposing the view of the Legislature and of the Executive Government—the Govt. of India—with regard to any of these questions of defence and foreign policy coincided, in that event would you remove the control of the Secretary of State ?

A.—I accept the principle that where the Legislature and the Government of India are in accord, the Secretary of State should not interfere.

Q.—How do you visualise the future as regards the Secretary of State's control over the Government of India ? Do you want it to continue or do you want it to be abandoned absolutely or do you want it to be relaxed ?

A.—I want the Secretary of State for India to be in the same position as the Secretary of State for the Dominions.

Q.—There was one question put by the Maharaja of Burdwan and that was with regard to the Governor's salary. I put the question to you in a general way. With regard to the Governor's salary or the Governor-General's salary, would you object that salary being a charge on the Consolidated Revenue Fund ?

A.—Not in the least. In fact, if we were to get self-government, I do not mind giving the Governor his salary and his allowances and whatever else he may have.

Q.—Will you please tell the Committee what was the attitude of the non-official Members of the Legislative Council in the United Provinces generally with regard to the Services, and in particular with regard to the Medical Service ?

A.—I will answer the latter part first. With regard to the Medical Service, there was certainly a strong feeling and the strong feeling was due to that rule in the Devolution Rules which compels the Local Government to employ as many members of the Indian Medical Service as the Secretary of State shall direct. We thought that this was quite unwarranted. Besides,—it is very difficult to cite facts in proof—I cannot refer you to any witness—but the Members of the Indian Medical Service were themselves dissatisfied with being placed even partly under Ministers and I have been informed.....

(*Mr. Chairman*).—*Q.*—Are you speaking from personal knowledge or hearsay ?

A.—I am an inhabitant of the United Provinces. I was for three years in the Council, and had an opportunity of coming into contact with not merely non-officials but also officials and that is my general impression. Not that any Member of the Indian Medical Service told me so.

Q.—I put to you a concrete case from the United Provinces. I understand that there was a considerable amount of feeling among the Medical Service in the latter Province when the officiating Principalship of the Medical College at Lucknow was given to an Indian Doctor ?

A.—Yes, Dr. Saidus Zafar Khan. I understand it was so.

Q.—Was there any question raised with regard to it in the United Provinces Council ?

A.—We never questioned about it.

Q.—But how do you know that there was any feeling among the Medical Services ?

A.—Just as I came to know a number of other things.

Q.—But what was your attitude with regard to the Irrigation Department ? I understand that one criticism levelled against your Council was that non-official members would, if irrigation was a transferred subject, very much lower the irrigation rates. Can you briefly tell the Committee whether there was any discussion with regard to it in your Council ?

A.—Yes. Before the rates were introduced, there was some consultation between Government and some members of the Council, and I do not know of any member who declined absolutely to raise the rates. The question was one entirely of extent and for the future nobody can guarantee that the future Local Legislative Council will not lower the rates. It may lower or abolish or raise them.

Q.—I should like to put to you one more question with regard to the Services before I pass on to the last question. It is this. Supposing that in any constitution that the British Parliament gave you, absolute security was given to the members of the Services who had entered service before that constitution came into force just as it has been done in the case of some other colonies—security given by Parliamentary statute and not given by an Act passed by the Indian Legislature, would you object to that ?

A.—It would be a reflection on us in a way, but I would reconcile myself to it.

Q.—That is of course with regard to the members already existing ?

A.—Yes.

Q.—And as regards the future entrants what is your view ? That they should be brought under the control of the Legislature ?

A.—That certainly is my view.

Q.—Have you got anything to say with regard to the appointment of a Public Services Commission ?

A.—I am on the whole in favour of the appointment of such a Commission.

Q.—Would you transfer to this Commission the power of discipline, punishment, or promotion ?

A.—No. I would really allow it to recruit men, and to fix the standard, but so far as discipline is concerned.....

(*Mr. Chairman*).—*Q.*—The discipline would be imposed by the Legislature ?

A.—By the Government, of course, which would ultimately be responsible to the Legislature.

Q.—But would you give the power of recruitment to them ?

A.—Undoubtedly.

Q.—I understand that there is a feeling amongst the Muhammadans even in the United Provinces that they do not get adequate representation of their community in the Public Services. How would you meet that feeling in the future ?

A.—That feeling may sometimes express itself, but I do not think on the whole that there is any feeling in the United Provinces that Muhammadans are being unjustly treated in the matter of public appointments. I would not admit it.

Q.—Would you leave recruitment of the Muhammadans only to the Minister or hand it over to the Public Services Commission ?

A.—Proportions may be fixed just as we have fixed in the case of the Deputy Collectorships, and then the Public Services Commission may recruit.

Q.—Will you tell the Committee what was the attitude of the non-official members towards the administration of law and the maintenance of order in your province during the troublous days of 1921-22 ? Did your non-official members shrink from supporting the Government ?

A.—At the beginning of the reformed Council, there was a greater feeling of harmony between the Government and the Legislature than towards the end of it. For instance, when the Seditious Meetings Act was proclaimed in Rae Bareli and three other places in the Province, we did not criticise the Government.

Q.—Did you support the Government ?

A.—I do not think we moved a resolution to support the Government or said anything. We did not criticise it.

(*Sir Sivaswami Aiyer*).—*Q.*—Did you give your vote ?

A.—No question of vote. The Seditious Meetings Act was applied by the Governor in Council.

Q.—You suggest that when the Seditious Meetings Act was applied to Rae Bareli and other places, the non-official members did not raise any debate with regard to it nor opposed Government on that issue ?

A.—No.

(*Mr. Jinnah*).—*Q.*—They acquiesced in that ?

A.—Yes.

Q.—What was their attitude with regard to other measures that the Local Government took with regard to certain riots that took place at that time in the United Provinces ?

A.—The feeling really became strained in consequence of the proclamation of the United Provinces under the Criminal Law Amendment Act. That was really the breaking point. I do not wish to conceal from the Committee the fact that we and the Government were as poles asunder on that point.

Q.—What was that which divided you from the Government with regard to that ?

A.—We thought partly the action taken exceeded even the legal requirements of the case and partly because as a measure of policy the extension of the Criminal Law Amendment Act was wholly wrong.

(*Mr. Jinnah*).—*Q.*—Was it necessary ?

A.—I mean it was not necessary when I say it was politically wrong.

Q.—It was unnecessary and politically wrong ?

A.—Yes. We passed a resolution in the Liberal Federation saying that intimidation could be dealt with by other means than the proclamation of the Criminal Law Amendment to the whole Province.

(*Mr. Chairman*).—*Q.*—On that occasion you did not support the Government ?

A.—No. We directly opposed it and raised a debate and challenged the action of the Government.

Mr. Misra.—I myself sent in a representation to Sir Harcourt Butler calling for a special session of the Council to discuss the situation. We thought that any attempt to restrict the right of free speech was to be deprecated.

Mr. Kunzru.—Also we were at variance with Government with regard to the administration of the Criminal Law Amendment Act.

We voiced our complaints in regard to the administration of this Act and in regard to certain administration acts in certain districts in the Council repeatedly.

Q.—I have heard a criticism that the non-official members of your Council showed a considerable weakness for the political offenders at that time. How far are you prepared to meet it ?

A.—I do not believe that we gave any cause for that unless it be that we asked repeatedly that these political offenders should not be treated as ordinary prisoners.

(*Mr. Chairman*).—*Q.*—Did you ask for their release ?

A.—Yes.

Q.—For all or some or many ?

A.—For all those who had not been guilty of offences to person or property.

Q.—But not of others ?

Mr. Misra.—And that only when the situation had calmed down.

Mr. Kunzru.—I may say that it was subsequently said by Government that they would consider it as soon as the situation calmed down. But our demand was a more uncompromising one.

(*Mr. Chairman*).—*Q.*—That they should be released at once ?

A.—That was our demand. When a resolution was brought up with regard to the doings of the Police in a certain district, the Finance Member of the day agreed with the Council that that was a hard case and that the Police had exceeded.....

Q.—Never mind those instances. Supposing you were told that you could get many of the defects in the Government of India removed or remedied by alteration of certain rules or by the amendment of certain sections on certain minor points or major points of an administrative character—within the meaning of the reference which you have read, would you be satisfied with that ?

A.—No. I have no doubt that a number of defects could be so removed, but no minor alteration of the Act or rules would give us what we ask for.

Q.—Then what is the suggestion that you would like to make to the Committee ?

A.—I speak with some diffidence because I am not a lawyer, but I think a radical amendment of the Government of India Act would be needed. I say that subject to the qualification that I am no lawyer.

(*Sir Arthur Froom*).—*Q.*—Mr. Kunzru, I understand you to say that when you were addressing your constituents they did not understand everything, but that they understood military matters, such as, the injustice of not being given Commissions when they went to war ?

A.—Not when they went to war. To the representatives of the men who had been sent to France and other places during the war.. I am not asking for Commissions for all educated people, but the fact that they are not getting an adequate number of Commissions was emphasised by me.

Dr. Paranjpye.—*Q.*—You suggest that you are in favour of certain aspects of non-co-operation. Would you tell us exactly what those aspects are ?

A.—Being in touch with the masses, trying to add to their economic resources, and making it a policy that all your measures should be judged by their well-being, however ugly their manifestation may have been, this cardinal principle must undoubtedly be approved of by all.

Q.—That is a principle which every political association has, and the peculiarity of non-co-operation is not to have anything to do with Government ?

A.—So it is.

Q.—When you say you are in favour of certain aspects of non-co-operation, you mean you are in favour of some of the actual points of their programme, such as, Hindu-Moslem unity, uplift of depressed classes, etc. ?

A.—Some things that were more actively pursued by them than by other political parties.

Q.—What was your relation and the relation of the non-official members with the Ministers ?

A.—There were parties—perhaps ' parties ' is not applicable—there were differences of opinion with regard to Ministers, but so far as the majority is concerned, I think we were with the Ministers as may be evident from the fact that they could carry on without there being a majority of professed Liberals.

Q.—Was there a non-official association of members of your Council ?

A.—We had a party known as Progressive Party.

Q.—What was the strength of that party ?

A.—About three dozens.

Q.—Were the Ministers members of your party ?

A.—Not formally. That was in view of the peculiar situation of dyarchy. We did not ask them to join that party I must say.

Q.—You considered the Ministers could not whole-heartedly be with you ? You could not take them into your confidence ?

A.—That was my feeling although Mr. Chintamani is a great friend of mine.

Q.—Why was this feeling amongst you ?

Mr. Misra.—Because we wanted to oppose certain measures brought by Ministers also and to criticise them.

Mr. Kunzru.—We did not think that the Ministers had a free hand with regard to the transferred subjects. So long as the Governor presides at a meeting and has a vote you can never have the feeling that the view expressed by the Minister is his own only.

Q.—And did you consider it practically difficult for you to take the Minister in your confidence because it is supposed to be responsible, in the know of reserved subjects also ?

Mr. Kunzru.—We told him of the gist of our criticisms but we never invited him to any meeting and we also knew that he had some part to take in regard to the administration of reserved subjects. We did not want to be influenced by him.

Q.—Supposing all the subjects were transferred, then I suppose the ministers would naturally be the heads of the party ?

Mr. Misra.—Naturally they would be out of our party.

Q.—And then their supporters would naturally take them into their confidence or rather they would take the supporters into their confidence ?

Mr. Misra.—The Ministers would do exactly what we want.

Mr. Kunzru.—The Ministers will do everything.

Q.—Members of the opposite party would move resolutions against the Ministers and not their supporters ?

Mr. Misra.—Yes, they would.

Q.—So that you think that your not getting into the full confidence of the Ministers is to a great extent due to the existence of dyarchy ?

Mr. Misra.—That was so. We could never get rid of this feeling that they were not entirely with us and that there was some estrangement between ourselves and them.

Mr. Kunzru.—I may go further and say that at one period it even affected our personal relations.

Q.—Did you at any time feel resentment against the Ministers because they voted against what you considered to be the popular feeling ?

A.—We were feeling it every time.

Q.—I suppose you felt that if they had not been Ministers, they would have voted with you ?

A.—Yes.

Q.—You would have got one more vote ?

A.—Yes.

Q.—Now you were answering the Chairman about there being no Reform Bill for 300 years before 1832. I suppose you are aware that after 1832 there were 3 or 4 Reform Bills ?

A.—Yes.

Q.—You are aware that even in England they did not wait for 300 years ?

A.—No.

(*Mr. Chairman*).—I may say with regard to that question that the point was taken from your Memorandum.

A.—Even the Chairman did not want us to wait for 300 years, that would be an intolerable situation.

Q.—Pandit Misra, you said that manhood suffrage also would be feasible ?

A.—Yes.

Q.—Do you think that it should be given immediately ?

Mr. Kunzru.—We are not advocating it just now.

Q.—Would it make any material difference in the way in which the affairs of your province are administered even if the number of voters at the elections was at the present figure ? What difference would it make if manhood suffrage were not allowed and the present suffrage were retained ?

Mr. Misra.—Not much difference, but the feeling among the people that they are being excluded from the franchise and taking part in sending their representatives to the Council, would be removed. Those who have no vote at present feel that they are being unjustly excluded.

(*Maharaja of Burdwan*).—*Q.*—Is it not a fact, Panditjee, that apart from that what the people feel is that a man, simply because he pays a few rupees more, has got the vote and a man has no vote because he pays a few rupees less even though they are exactly of the same social status.

Mr. Misra.—You are quite right. There is practically no difference between the two.

Q.—There will be practically no difference in the measures passed by the Legislative Council ?

A.—Not much.

Q.—Or in the administrative measures ?

A.—Not much.

Q.—There will only be the feeling of satisfaction that they have a vote ?

A.—Yes.

Q.—Would you have educational qualifications for the vote ?

A.—The qualifications as they are now in my province are very good. I would not add any qualification with regard to literacy or with regard to education. I think a tenant who is asked to express his opinion about a particular point can do so very well even though he is not educated.

Q.—I do not want to take away the vote from any people who are enfranchised at present. But would you add additional qualification for a vote ?

A.—I would not.

Q.—A person who does not pay rent or revenue but who is at the same time educated up to a certain point ?

A.—We discussed this question several times, but we were not in favour of adding that qualification.

Q.—What do you think of joint families then ? One member of a joint family would have a vote and the others would not have a vote ?

A.—We discussed this question and we decided to take up this position that the members of a joint family must be treated as individual members or treated as a family as a whole. If you are to be treated as a family as a whole, then in that case if we come within the qualification clause, we would get a vote. If we do not insist upon that, probably every one of the members would be dis-enfranchised. So we took up the position that it would be better to have one vote rather than have no votes at all.

Q.—A question has been put to you that while you disapprove of dyarchy in the provinces, you are advocating a somewhat similar arrangement in the Central Government ?

A.—Yes.

Q.—Would you mind explaining that a little more ?

A.—It can be explained in one sentence. It is this that for the transitional stage it seems to be necessary ; as it was necessary in the case of the provinces so it seems to be necessary in the case of the Central Government.

Q.—Don't you think that in the case of civil administration you had at any rate a fairly large number of people who had some experience of civil administration ? If not, in the higher rungs of the ladder, there have been Indians in the positions up to Deputy Collectors, Collectors, or on the other hand District Judges or even Judges of the High Court or Engineers or Professors or in few other posts in the Civil Service. So that to a certain extent so far as the civil administration was concerned, don't you think Indians were more or less qualified to hold posts even of a higher nature in responsible governments ?

A.—I think so.

Q.—In the case of military administration Indians have not got any experience at all of higher administration. Don't you think you require some more time for that ?

A.—That is the reason why military administration has been put on a separate level from the civil.

Q.—So you want to put the military separate from the civil because it would be difficult for Indians to take charge of military departments because they had no experience ?

A.—The whole attempt of the Legislative Assembly regarding the resolution moved by Sir Sivaswami Iyer has been to train Indians.

Q.—You agree with that ?

A.—Yes, that has to be.

Q.—Would you mind explaining to us what is approximately the composition of the various groups in the United Provinces Legislative Council during the last council ? What were the various groups ?

A.—The elected members consisted of 100 members, of whom 11 members were selected by special constituencies.

Q.—Were they fairly homogeneous ?

A.—Of the special seats, 6 went to the landholders, 2 to the Upper India Chamber of Commerce, 1 to the United Provinces Chamber of Commerce, 1 to the European community and 1 to the Allahabad University.

Q.—So that all these 11 persons were not of the same opinion on all questions ?

A.—I do not think so.

Q.—Possibly the 6 landholders were of the same opinion ?

A.—Yes. Of the rest of the people some were elected by urban constituencies and some by the rural constituencies, a certain number consisting of Hindus a certain number consisting of Muhammadans.

Q.—I do not want exactly the rules about elections. I wanted to know something about their political grouping ?

A.—Roughly there was this progressive party, which was organised by us, which consisted not only of the labelled liberals, but also of those who although they did not like to join the liberal party, but shared the same opinions.

Q.—How many were there ?

A.—Just as my friend puts it between 33 and 36. You may put down 36 progressives. Then there were two Europeans from the Upper India

Chamber of Commerce and one from the European community and one nominated Anglo-Indian. These never took part in the political grouping. Thus there were roughly 4 Europeans. Thus there remained roughly about 60 men. They were all landholders.

Q.—So the landlord party was in a majority ?

A.—Roughly so. Out of these some were Muhammadans and some were members who were not landholders at all but they did not join any party, not even the landholders' party. Out of these 60, there were 30 Muhammadans and out of them I would put down 15 Muhammadans who did not join the landholders' group altogether. If you take away from 60 these 15, roughly the landholders were about 40 to 45. But these landholders were disorganised and they seldom agreed amongst themselves about any particular thing.

(*Maharaja of Burdwan*).—*Q.*—Is there any difference between landlords and landholders ?

A.—Landlords and landholders are the same. In some Act the word landlord is mentioned, while in some other Act landholder is mentioned.

(*Mr. Chairman*).—*Q.*—Then I take it that on your own showing you were in the majority ?

A.—Practically for the purpose of coming together for voting purposes.

(*Mr. Chairman*).—*Q.*—A working majority ?

A.—We had a working majority. That was the reason why the ministers were able to carry on the administration.

Q.—You had 36 progressives, 4 Eurojeans, about 45 landlords of a fairly disorganised character and about 15 Muhammadans who did not either join the landlords party or the progressive party ?

A.—Yes.

Q.—So that there was absolutely no majority of any group whatsoever ?

A.—That was so. These landholders themselves subsequently, when the District Board Bill was before the Council, broke themselves up and some of them formed a group consisting only of 12. They called themselves progressive landlords and the others conservative landlords.

Q.—In your last Council there was no standing majority of any party ?

A.—There was no standing majority.

Q.—You had to get together two or three groups so that you might have a working majority in the Legislative Council ?

A.—That was so.

Q.—When you had these groups coming together to form a working majority, the Ministers, I suppose, had at least informally to consult these various groups ?

A.—The Ministers did not consult the groups as a whole but the Ministers informally consulted the leaders of the various groups.

Q.—And so they only introduced such measures or took such administrative measures as would on the whole secure for them a majority in the Council ?

A.—That was so.

Q.—And you think that it is possible in your Council to work it by means of the group system ?

A.—Yes.

Q.—Do you think that at any time there will be an absolute majority of any party ?

A.—I think after a short working we will be able to get a majority party.

Q.—Of your progressive party for instance ?

A.—Yes, it is possible that we might have two parties, one of absolute majority for the Ministers and the other of opposition.

Q.—In any case you think that even if there are no regularly constituted two parties if there are 3 or 4 or 5 parties, the Ministers will get the support of certain sufficient number of groups as to enable them to have a majority in the Legislative Council ?

A.—Quite so.

Q.—You do not think that the existence of two parties is absolutely necessary for the proper working of representative institutions ?

A.—Not necessarily. We can work with the groups till we get a party of absolute majority.

Q.—And in fact I suppose you know that in several continental countries this is the case that they work under the group system ?

A.—I know that.

Q.—Now you told us about the sanction of Government that is required for Bills of a provincial nature ?

A.—Yes.

Q.—I suppose you understand that sanction is required to enable the Government of India to see that these Bills are not trenching upon any subject which is reserved for them ? How many private Bills have been moved in your Legislative Council ?

A.—One was with regard to the Municipalities for lowering the franchise, and then there was the Agra Tenancy Bill, which was introduced by a private member. These were the two. I think these were the only two. There was one other Bill which was introduced by one of the present Ministers. That was with regard to certain amendments in the Agra Tenancy Act ; but he subsequently withdrew it.

Q.—Had these private members to get sanction of the Government of India before they could introduce these Bills ?

A.—That is a question about which I am not fully aware otherwise I would have given my reply. Sir Henry Moncrieff-Smith thought that I was under a misapprehension as no sanction was required with regard to these Bills.

Q.—I happen to know that in our Presidency a private Bill had to obtain the sanction of the Government of India ?

A.—That is also my impression.

Q.—Don't you think that this rule will often enable Government to delay a private member's Bill or at any rate, introduce difficulties ?

A.—That is exactly what the Association says. We maintain that the position ought to be that if there is any measure which really deals with

a local question and does not infringe any of the restrictions which are provided in the Government of India Act, then it should not come up to the Government of India at all. If the Local Government, however, decide that that Bill deals with a question for which the sanction of the Government of India is necessary, then it can come up to the Central Government for its sanction.

Q.—Mr. Kunzru, you just mentioned your Secondary Education Bill. Can you tell us whether that Bill required the sanction of the Government of India before it was introduced ?

A.—I think all the other Bills were sent to the Government of India.

Q.—Had it anything to do with any of the subjects mentioned in the schedule for which the previous sanction of the Government of India is required ?

A.—I do not think secondary education is mentioned in the schedule.

Q.—Still that Bill had to receive sanction ?

A.—I believe so.

Q.—That Bill was introduced by one of the Ministers ?

A.—Yes.

Q.—I suppose on the lines of the Saddler Commission's Report ?

A.—Yes.

Q.—Did it pass through all right without much opposition in the Council ?

A.—I think so.

Q.—Your province is rather well known for having a larger number of Universities. There are about 5 Universities—Allahabad, Benares, Aligarh, Lucknow and probably Cawnpore. You will soon have a University at Agra ?

A.—Whatever other Universities we may have in future, at present we have got only 4 Universities, the first four.

Q.—Do you think that the existence of so many Universities in your province has led to the deterioration of the standard of the University teaching, because a great point is made of that in several quarters ?

A.—I do not know personally much about the Aligarh University. But speaking about the other three Universities, I can say from my personal knowledge that their standards are by no means lowered.

Q.—Is the standard of the old Allahabad University kept up in these other Universities ?

A.—Certainly. We have not noticed the slightest inclination to lower the standard.

Q.—Are there any public examinations or any other means by which you can gauge the relative merits of graduates of these Universities ?

A.—I suppose they take part in the competitive examinations of the Finance Department. They also sit for the Deputy Collectors' competitive test. They also compete for the Indian Civil Service and the Indian Police.

Q.—And the public opinion is not against these Universities because the standard of these Universities is particularly low ?

A.—No.

Q.—There is no tendency for the students of one part of the province to go to a distant University because that University gives cheap degrees ?

Mr. Misra.—The only reason why some students may do so is that there are certain subjects in which, say, the Lucknow University has got professors better qualified and the students who wish to take up those subjects naturally prefer to join that University. In certain subjects the Allahabad University has got better professors and the students from different parts of the Province go there.

Q.—Then you strenuously deny any implication that the Universities are lowering the standards of higher education ?

A.—I am quite prepared to institute a most searching comparison between the standards of our Universities and those of any other Universities in India.

Q.—So you would not be against any organisation of an All-India character for the preservation of University teaching standard ?

A.—Certainly not, so long as it is advisory.

Q.—Mr. Kunzru, you spoke about the services. In answer to Dr. Sapru, you said that you were in favour of Public Services Commission. What kind of power and duties would you assign to this Public Services Commission ?

A.—I said it would only recruit. It would also fix the standards of examination. But the discipline and promotion would be enforced by the Government.

Q.—Supposing there is an appeal on account of an injustice supposed to have been done to an officer, would you hand it over to the Public Services Commission ?

A.—Surely not. The appeals must go to the Governor, to the Viceroy and to the Secretary of State. I would allow the Public Services Commission to deal with recruitment only.

(*Sir Muhammad Shafi*).—*Q.*—Would the Governor have the power to refer the cases to the Public Services Commission for opinion or otherwise ?

A.—The Commission can ask any officer to report. We do not limit its power there.

(*Sir Muhammad Shafi*).—*Q.*—I believe in reply to Sir Arthur Froom's question on paragraph 18 (IV) you said that that para. referred only to the members of the Governor General's Cabinet ?

A.—Yet, to the Governor General's Executive Council.

(*Sir Muhammad Shafi*).—*Q.*—You would not, therefore, object to a member of the Civil Services becoming a member of the Legislative Assembly or the Council of State ?

A.—No.

(*Sir Muhammad Shafi*).—*Q.*—You would only object to having them in the Governor General's Cabinet ?

A.—I said before that there was a little difference of opinion with regard to that point. Some of the people said that it was not necessary that the officials should be members of the Legislative Assembly or the Council of State. But the others said that they should not, but the majority held the view that they should not have the power to vote.

(*Sir Muhammad Shafi*).—*Q.*—This para. refers to the Executive Council and you are all clear on the point that they should not be on the Executive Council ?

A.—That is so.

Mr. M. A. Jinnah.—*Q.*—For how many years have you been in public life ?

A.—I joined the profession in 1896 ; and from 1899, the year when the Congress for the first time sat in the City of Lucknow, I have been in the public life of my Province.

Q.—And you were connected with the Indian National Congress all this time ?

A.—I was connected with the Congress right up to the year 1920 when the Boycott Resolution was passed at the Calcutta Congress. It was after this Resolution that I resigned my General Secretaryship of the All-India Congress Committee.

Q.—Were you in the Council before 1919 ?

A.—I was elected to the Council which existed prior to the Reforms Scheme in March 1916.

Q.—Now, I want you to understand this question very clearly. You have sufficient experience of the electorates whose suffrage you had to seek whenever you contested election either for the old Councils or for the Reformed Councils. Do I take it that you can say from your personal knowledge that the electorates are intelligent electorates ?

A.—I can say that they are sufficiently intelligent.

Q.—When it was put to you, you said that the electorates were not ideal. Do you know of any other country where they have reached that ideal ?

A.—I do not think that in any other country that standard has been reached.

Q.—Do I take it that in your province the electorates will be able to send able representatives to the Legislature ?

A.—I think so. I have no doubt about it. I have already said so.

Q.—Now I come to Hindu-Muhammadan question. I take it that your opinion and the opinion of your Association no doubt is that you do not wish to do away with separate electorates, so long as the Muhammadans desire to continue them ?

A.—Yes ; that is the opinion of my Association.

Q.—Do I take it that that is not only your Association's opinion or your opinion but the opinion of the Hindus throughout the United Provinces that you are willing to agree to any adjustment or any settlement which would secure adequate representation for the minorities ?

A.—The opinion of the Hindus of the United Provinces is that they are quite willing to come to any fair and reasonable adjustment or agreement which would secure the adequate representation to minorities.

Q.—Please look at your Memorandum. I want to understand clearly why you want to do away with dyarchy ?

A.—We wish to do away with dyarchy absolutely.

Q.—You have been giving answers on the assumption that if such and such thing was done, you will be satisfied. Take for instance paragraph 23. First of all you say that provincial subjects should not ordinarily be subjects to legislation by the legislature of the Central Government. Is it on the assumption whether there is dyarchy or not ? Do you want this to be done in any case ?

A.—My answer is that whether the provincial autonomy is given at once or not, at least the rules should be so modified that this object may be secured.

Q.—Therefore, you want to secure this object whether you get provincial autonomy or whether the present system of dyarchy is to continue ?

A.—In view of the impression created on the Association by the terms of reference of the Committee, we had to put our alternative case.

(Sir Muhammad Shafi).—Q.—In the opening words of paragraph 18 you do not mention any alternative ?

A.—In paragraph 18, we say " Without prejudice to its conviction that the situation requires much larger measures than can be introduced."

(Sir Muhammad Shafi).—Q.—I want you to carefully consider my question. What I want to understand is this. Do you mean to say that if these things were done A, B, C, D—we won't mention them just now—then the dyarchy will work satisfactorily ?

A.—No, we do not say that.

(Sir Muhammad Shafi).—Q.—Then what do you suggest ?

A.—We suggest that in case the dyarchy is maintained, certain defects must be removed even then.

(Sir Muhammad Shafi).—Q.—Your principal is that half a loaf is better than no bread ?

A.—Certainly. It is just like an alternative relief-clause put in the plaint. If the court does not grant this relief then the other relief should be granted.

(Sir Muhammad Shafi).—Q.—I do not know what you call half a loaf. You have got several suggestions in paragraph 23. Supposing we were to concede to the first proposal, namely, provincial subjects should not ordinarily be subject to legislation by the Legislature of the Central Government, and nothing else, will that satisfy you ?

A.—We would practically throw away that concession ; make a present of that concession.

Q.—Take the second one, all subjects except agency subjects should be transferred to the control of Ministers, will that satisfy you ?

A.—No, that would not satisfy us.

Q.—Supposing I was conceded and II was conceded, with regard to all subjects except agency subjects, will that satisfy you ?

A.—It will not satisfy us.

Q.—Will you accept that ?

A.—The policy of my party has always been that we put forward a demand and then agitate for it, but if something is granted, we never say it is not worth having.

Q.—I want to examine this critically ; never mind your doctrines. I want you to follow me. You say all subjects except agency subjects should be transferred to the control of the Ministers. Would that be dyarchy ?

A.—The dyarchy would still be there.

Q.—Supposing all subjects were transferred except agency subjects, will that satisfy you ?

A.—That would not satisfy us because we do not want merely the subjects to be transferred, but we want some other things in connection with the transferring of the subjects, namely, that the Ministers should be made more free than what they are under the present constitution The Ministers should be made responsible to the Legislature, the Governors should be constitutional Governors, and so on.

Q.—Then I take it that if all subjects were transferred, except agency subjects and further what you have suggested, it would not be dyarchy any more ?

A.—To some extent it will not be.

Q.—To what extent will it be dyarchy ?

A.—To this extent that full complete responsibility will not be given to us ; it will only be an administrative improvement, if I may use the word.

Q.—Supposing all subjects were transferred and we followed your other suggestions :—Subject to paragraph 18 (VIII) of this Memorandum, Governors in Council and Governors acting with Ministers should have full control over the Services serving under them ;

Restrictions as to previous sanction of the Governor-General for introducing legislation in the Provincial Legislature should be done away with ;

The character of non-votable items of the budget should be strictly defined and their extent should be reduced to the narrowest limits ;

The position of the Governor should be that of a constitutional Governor ;

Rules under section 49 should be so framed as to conform in every respect to the provisions of the Act and the report of the Joint Select Committee.

Will that be dyarchy ? If these suggestions I to VII are carried out, will that be dyarchy still ?

A.—Dyarchy in name might remain, but that would not be virtually dyarchy if all the subjects are transferred.

Q.—The subjects will be in charge of a Member of the Executive Council, there will then be only one Member of the Executive Council, which will be a Reserved Department. The rest will be transferred under these proposals of yours. Would you call that dyarchy ?

A.—There is no particular charm about the word dyarchy.

Q.—Would it not be reducing the whole thing to an absurdity, to call that dyarchy ?

A.—That is so.

Q.—Then it comes to this, that if you wish to remove all the vices of dyarchy, you must reduce it to a ridiculous position according to your recommendations, namely, agency subjects will be in the hands of one man ?

A.—I fully appreciate the position ; that would be an absurd position to create, that is to say transferring all the subjects and keeping one subject which is of a trifling nature and treating it as a reserved subject.

Q.—Am I right in putting it to you that in order to remove the inherent vices of dyarchy, you must reduce the position to an absurdity ?

A.—That is so.

Q.—There is one more point I want to make clear. You said the Governor should be a constitutional Governor. Is he not a constitutional Governor under the present Act ?

A.—No. I do not think he is a constitutional Governor because, even in the transferred subjects, he is the master of the situation. Nothing can be done without the approval of the Governor. In the case of a constitutional Governor, his sanction will not be required, nor his approval.

Q.—Let us look at the sections of the Government of India Act. Section 45 (*d*) says :—" For the transfer from among the provincial subjects of subjects (in this Act referred to as ' transferred subjects ') to the administration of the Governor *acting with the Ministers appointed under this Act.*"

Now look at section 46. It says :—".....in relation to transferred subjects.....by *the Governor acting with Ministers appointed under this Act.*"

Now turn to section 52 (3) :—" In relation to transferred subjects, the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which cases he may require action to be taken otherwise than in accordance with that advice.

Does not that give him the full power to turn down any proposals of his Ministers ?

A.—That is so ; that is what I meant to say just now, that the position of the Ministers was merely that of advisers, the final authority being vested in the Governor.

Q.—Therefore, it depends entirely upon the personality of the Governor as to what policies or measure your Ministers can put through the Legislature ?

A.—It does.

Q.—Now with regard to the Central Government, I think you say that you want responsibility to be introduced except into the Defence, and foreign and political affairs, and I think you would like to exclude the Ruling Princes. Do you know section 33 of the Act ?

A.—Yes.

Q.—Under section 33 the superintendence, direction and control of the civil as well as the military government of India is vested in the Governor-General in Council, who is required to pay due obedience to all such orders as he may receive from the Secretary of State ?

A.—Yes.

Q.—If your suggestion is carried out, can that be done without amending the constitution, without amending the Act ?

A.—No, it cannot.

(*Sir Muhammad Shafi*).—*Q.*—You are dealing with section 33. It says " Subject to the provisions of this Act and rules made thereunder," etc. Will you look at section 19A :—" The Secretary of State in Council may, notwithstanding anything in this Act, by rule regulate and restrict the exercise of the powers of superintendence, direction and control."

Q.—My question was with regard to the Central Government. Your proposal is that all the subjects should be transferred, that is to say should be in charge of Ministers responsible to the Legislature ?

A.—That cannot be done.

(*Sir Henry Moncrieff-Smith*).—This is a matter for discussion among ourselves and not for a representative from the United Provinces. We should get a lawyer and not a representative of the United Provinces Liberal Association to answer these points.

(*Mr. Chairman*).—*Q.*—I was not attending ; what is the position ?

Mr. Jinnah.—My question was if the witness's suggestion was to be given effect to, if all the subjects are to be transferred except Army, etc., then it requires an amendment of the constitution.

Mr. Misra.—I have given my opinion that it cannot be done without amendment.

Q.—Then do you suggest the constitution should be amended if necessary ?

A.—Certainly.

Q.—Have you considered this question of excluding the Army carefully ?

A.—I have, so far as it lay in my humble power.

Q.—Have you any suggestions with regard to the future position of the Army, reorganisation of the Army or how the administration is to be conducted.

A.—I have only considered it so far that when we are advocating that the management of the Army should be excluded from the control of the Ministers proposed to be appointed in the Central Government, we do not mean to say that the Legislature should have nothing to say with regard to the administration of the Army. Even now, constituted as it is, resolutions are moved in the Legislative Assembly with regard to the constitution of the Army.

Q.—You have not made any definite suggestions in your Memorandum regarding the constitution of the Army ?

A.—No, we have not made any definite suggestions with regard to the Army. My Association has considered only this position that, an attempt should be made so as to nationalise the Army within a definite period.

Q.—You say steps should be taken so as to enable the people of India to take over the defence within a certain period ?

A.—Yes, because it is constantly said no self-governing country can allow its defence to remain in the hands of other people, so if self-

government is given to India, it must also have its army under its own control.

Q.—I think you said you are in favour of lowering the standard of the franchise ?

A.—I am.

Q.—Would you not rather leave it as it is at present ?

A.—If the Committee decides to leave it as at present, we would not mind.

Q.—You do not consider it a very important or a vital matter ?

A.—Not a vital matter from my point of view.

Q.—Then there were some questions put to you about the preamble. Now the preamble of an Act really is intended simply to give the object and the purpose of the Act ; it does not form part of the law. You know that—don't you ?

A.—I know that.

Q.—Barring the sentimental objection, is there any objection to saying that Parliament is to determine what advance should be ultimately granted ?

A.—The whole of Indian sentiment is against that part of the preamble which says that the ultimate judge of the time when a particular concession is to be granted is Parliament.

Q.—A Judge never moves *suo moto*. I am not aware of any Court of Justice which moves *suo moto* except on rare occasions. Then any person who claims to be or constitutes himself as a Judge has got to be moved by some party or another ; and if Parliament is properly moved it entirely depends on us as to how far we can move Parliament ?

A.—I can see that. If the Indians put their case with sufficient strength before the Government of India and the Government at Home, I think they will move Parliament to make concessions.

Q.—Well now, there is one other question about these Hindu-Moslem differences. You were asked whether the present system of government has not improved relations ?

A.—Not at all.

Q.—You think if there was provincial autonomy it would get worse ?

A.—I think it would get better because then a real attempt would be made to remove these differences. Then it would be the responsibility of the people and they would try their level best to improve the relations.

Q.—I put it to you—is this your experience, that probably the disputes between Hindus and Muhammadans are kept up because they look to a third party for a settlement ?

A.—To a certain extent that is true ; they do not feel that it is for them to settle their disputes.

Q.—Now in your Council is there any sign of hostility shown by the members—I mean the Muhammadan members against the Ministers because they are Hindus ?

A.—I do not think there was any hostility shown by the Muhammadan members because Ministers were Hindus. And even now when one of the Ministers happens to be a Muhammadan no hostility is shown towards him by the Hindu Members.

Q.—Are there any Muhammadans of your party who work with you ?

A.—There were two or three who promised to join our party but they were always afraid of associating with the Liberals because they thought that their prospects at a future election might be damaged.

(*Mr. Chairman*).—*Q.*—He has raised the very question I was going to ask. How many members of your Association are Muhammadans ? I forgot to ask you that before.

A.—Of the Association ? I think a very small percentage.

(*Mr. Chairman*).—*Q.*—Are there any ?

A.—I should say between 5 and 10 per cent.

Q.—I think you will agree with me that the position of the Liberal Party at present before the country is a very awkward one ?

A.—It is. We are neither this side nor the other. The country is in this position—that people must be either conservative or extremist. If you are in the middle, you are nowhere. To a great extent I think the treatment which has been given by the Government to us is really responsible for our downfall.

Q.—Now the two Ministers that were appointed by the Governor at the very commencement of the reformed Council were, I believe, Mr. Chintamani and Pandit Jagat Narayan ?

A.—Yes.

Q.—You have worked with them ?

A.—I have.

Q.—Have you known them for a long time ?

A.—Certainly for a very long time.

Q.—And when you entered the Council you had a fairly strong party of your own who were determined honestly, earnestly, to give a fair trial to the reforms—I mean your party ?

A.—We were earnestly determined to give a fair trial to the reforms.

Q.—And two of your Ministers, Mr. Chintamani and Pandit Jagat Narayan, were probably among the ablest men in your province ?

A.—I think so.

Q.—And eventually they both had to resign ?

(*Mr. Chairman*).—They both resigned.

A.—The Chairman's view is correct. They resigned. A situation was created in which they had to resign ; but as a matter of fact they themselves resigned.

Q.—They resigned because they could not get on ?

A.—Yes, that was so.

Q.—Not because other engagements required their presence elsewhere ?

(*Mr. Chairman*).—That is a very different thing from being dismissed.

(*Sir Arthur Froom*).—Perhaps they could not get on with each other.

Q.—I don't want the details. I want a plain statement. You know this as a fact—that both of them resigned because they could not get on with the Government ?

A.—Yes. They did not resign because they could not get on with each other. Rather one resigned and the other followed him.

(*Mr. Chairman*).—*Q.*—Just one question before you go. You said with regard to something which fell from Mr. Jinnah that the position of the Minister was that of an adviser vis-a-vis the Governor. You are aware of Instruction No. 6 to Governors which runs as follows :—

> " In considering the Ministers advice..... .... he will have due regard to his relations with the Legislative Council and to the wishes of the people of the Presidency as expressed by their representatives there."

You are aware of that ?

A.—Yes.

Q.—And even after that you still maintain your position ?

A.—I do maintain my position.

(*Mr. Chairman*).—*Q.*—Mr. Kunzru, I have been looking through the results of the elections in the United Provinces and I see in the Muzaffarnagar district which you represented in the first election there were 16 candidates and there was nothing like it anywhere else in the Province. Can you explain why ?

A.—A second election took place after the election of Lala Sukhbir Singh to the Council of State. After that a large number of candidates sprang up.

Q.—There was no particular reason ?

A.—There was no particular reason.

Q.—Are you a zamindar in the district ?

A.—I own some property in the Muttra district, not in the Muzaffarnagar district.

(*Sir Muhammad Shafi*).—*Q.*—Mr. Kunzru, I would like to ask you one question. Has the standard of education in Aligarh, Lucknow, Benares, and at the reconstituted University at Allabahad, in any way gone down as compared with the standard of education in the old Universities ?

A.—I don't think so and I speak of the Allahabad and Benares Universities from personal knowledge. May I add one statement—that in the present Council the Muhammadan Party is not working on communal lines. I mention this because some questions were put with regard to racial feeling in the Council and the working of parties on racial lines.

The Committee adjourned till the following day.

Thursday, the 14th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Lala Harkishan Lal, ex-Minister, Punjab.

EXAMINED BY THE CHAIRMAN.

Q.—You were a member of the first reformed Council of the Punjab ?

A.—I was a member of that Council.

Q.—And you were a Minister also ?

A.—Yes.

Q.—How long did you hold office ?

A.—Thirty-four months, less 3 days.

Q.—What Departments were you in charge ?

A.—I was in charge of Agriculture, Industries, Excise, Libraries and Museums, Public Works, Weights and Measures, part of Electricity, Co-operation, Fisheries and Civil Veterinary.

Q.—Who was your colleague in the Ministry during your period of office ?

A.—Mian Fazal-i-Hussain.

Q.—There was only one other Minister and he was a Muhammadan gentleman ?

A.—Yes.

Q.—Would you look at paragraph 2 of your memorandum ? The effect of paragraph 2, as I understand it, is that one Minister, the Muhammadan Minister, carried the whole position as representing the majority of the Council. Is that your point ?

A.—Well, he was more influential in the Council, but I do not say that he carried the whole position. I do not understand what is meant by " the whole position ".

Q.—He had more influence owing to the fact that he had more votes on his side ?

A.—Yes.

Q.—From the constitution of the Punjab Council I see that there are 20 non-Muhammadans, 32 Muhammadans and 12 Sikhs ?

A.—Yes.

Q.—Special seats, 4 landholders. How were those seats held ?

A.—Landholders are again sub-divided into 2 Muhammadans, 1 Hindu and 1 Sikh.

Q.—Who was the University candidate ?

A.—He was a Hindu.

Q.—And Commerce and Industry had 2 ?

A.—Only one. Commerce and Industry had one seat and the Delhi Chamber of Commerce had one. The Commerce and Industry seat was held by a Hindu and the Delhi Chamber of Commerce seat by a European.

Q.—So, if you count the seats in that way, the Muhammadans had a majority ? If you take non-Muhammadan votes together, it was equivalent to Muhammadan votes ?

A.—Roughly, yes.

Q.—Am I right in thinking that one of the greatest difficulties in the Punjab is this communal question ?

A.—Yes, that is one of the great difficulties on the popular side.

Q.—Even in Council, decisions were made on practically communal lines ?

A.—More or less they did.

Q.—Do you think that is a great obstacle to further advance ?

A.—That is so.

Q.—Can you suggest any way in which it can be met ?

A.—The only way that I can suggest is to do away with the evil. I think communal representation is an evil, and it ought to be done away with.

Q.—What would be the effect of that in the Punjab ?

A.—The effect would be that people would think more of the province than of the communities and would work more in the interests of the whole rather than of the parts.

Q.—Don't you think that you would get a Council on the same lines if you abolish these electorates ?

A.—Not exactly in the same proportion. The numbers will vary somewhat ; sometimes in favour of Muhammadans, sometimes in favour of Hindus, and sometimes in favour of Sikhs.

Q.—The total population of the Punjab is 55 per cent. Muhammadan ?

A.—Yes.

Q.—And the actual representation now provided by this communal representation is rather less than that ?

A.—It is a fraction less*.

Q.—It is 45 to 55 ?

A.—Yes, you may be correct.

Q.—And you don't think that if you had general electorates, the majority will make their voice felt ? That you will get a majority of Muhammadans ?

A.—Possibly sometimes, but not always.

Q.—And you think that the abolition of communal electorates will do something to bring the people together ?

A.—I think that the municipal questions, political questions and social questions will receive more attention and will be better dealt with than mere communal questions.

---

*Since added by the witness :—

I have been since informed that the present proportions are :

Muhammadans	51
Hindus	37
Sikhks	12

Q.—You are very familiar of course with the Punjab. How do you think your suggestion will be received by the Muhammadans in the Punjab ?

A.—Some of the Muhammadans won't like it to begin with, but we have to remember that they are in the majority, and they should not claim the privileges of the minority there. The trend of the Muhammadan mind in the Punjab seems to be as if they were a doomed minority even when they are in a majority.

Q.—You don't agree with that ?

A.—I don't agree with that at all.

Q.—You are not afraid of their getting more representation ?

A.—Even if they did, I don't think that would matter very much.

Q.—You would not mind if they got all the seats ?

A.—I do not mind ; and we did not even when they were the rulers of the Punjab.

Q.—Would you like them rulers again ?

A.—I don't mind that at all.

Q.—You say in paragraph 4 of your memorandum " The law as it stands provides no Cabinet Government ". I do not quite understand what you mean by that. Of course it does not provide any Cabinet Government in the sense of responsible government. There are two halves of the Government ?

A.—Yes.

Q.—When you say that there is no Cabinet Government, you mean that the law makes no provision for joint consultation ?

A.—The law, and to a very large extent, practice ; both.

Q.—There is nothing in the law which prevents joint consultation ?

A.—There is a great deal absent in the law. It makes no provision. Law is after all a restrictive measure. Lots of things are however done over and above law. But there is no Cabinet Government and the whole thing rests with the Governor, and unfortunately the Governors are in this matter led by the letter of the law.

Q.—My question was this. The Government of India Act, as it stands, contains no provision prohibiting joint consultation ?

A.—It does not.

Q.—The Joint Committee report inculcated joint consultation ?

A.—It said something about it.

Q.—It strongly advised it ?

A.—The words may be interpreted in any way.

Q.—Certainly it did not discourage it ?

A.—It did not discourage it.

Q.—What joint consultation actually took place in your province ?

A.—Sometimes we did meet for a trifle, sometimes for important matters, but there was no regular policy of Cabinet joint consultation.

Q.—You consulted, of course, your brother Minister ?

A.—No, I did not.

Q.—Don't you think it desirable ?

A.—I was told that the reading of the law was that each Minister

stood on his own. Whenever I protested to the Governor that we ought to have cabinet meetings and we ought to have at any rate principles of policy and principles of legislation discussed, I received no encouragement from him ; but I was told on the contrary that the Governor's reading of the law was that each Minister had his own responsibility.

Q.—You were in thorough sympathy with your brother Minister ?

A.—I had sympathy with his social life.

Q.—With his political views ?

A.—No. To some of his political views I objected very strongly.

Q.—You would have found it rather difficult to have had joint consultation with him ?

A.—Well, if the law provided or the Governor called us together, we would have discussed. I don't think we would have cut each other's throat or fell at each other's neck.

Q.—I am not suggesting that.

A.—We would have discussed matters in a friendly way and put our views before the Governor ; sometimes one would have won and sometimes the other.

Q.—But you have not that feeling which must exist in an English Cabinet, that the policy of the one is the policy of the whole and that when you cannot agree with the policy, you go.

A.—I have heard that. I have never been in the Cabinet myself, but I have heard that that is the fact.

Q.—If that were the general position, could you have held office with your colleague ?

A.—Very likely not if it was likely that the Governor always sided with him, because, then, I would certainly have resigned.

Q.—My question is this. Assuming that you were both members of the Cabinet and assuming that the statement I have made as to the relations between them in the Cabinet prevailed, could you and your brother colleague sit in the same Cabinet ?

A.—Well, if the point then arose in this way certainly we would have parted company.

Q.—I do not quite understand your statement in paragraph 5 that " the Governor is solely responsible for the Services ". What do you mean by that ?

A.—Well, his letters of instruction chiefly laid down that he is to look after the services and practically the whole power rested with him.

Q.—May I read to you the Instructions on the point ? " To safeguard all members of our Services employed in the said Presidency in the legitimate exercise of their functions, and in the enjoyment of all recognised rights and privileges, and to see that your Government order all things justly and reasonably in their regard, and that due obedience is paid to all just and reasonable orders and diligence shown in their execution." That is the actual paragraph. Do you object to that ?

A.—I do not really object to the whole but unless Ministers really have some power over the services, they cannot carry on.

Q.—Would you not allow the Governor any power of safeguard ?

A.—I would allow him for a time a certain power of appeal, but not very much more than that.

Q.—It does not go beyond saying that he should see that they are being treated justly ?

A.—So far as these words may go, but as a matter of fact, appointments, transfers, promotions, leaves, all were in his hands and as a matter of fact sometimes an appointment was made in my departments without my knowledge, without my concurrence, and without any enquiry from me. In one case the man thus appointed never even called on me. I came to have knowledge about him from some signatures that appeared on the papers submitted to me.

Q.—What I am now on is the question of protection of the services. I shall come to the administration side in a minute. I ask you whether you object to these powers in the Instructions ?

A.—I should think that the Ministers will protect the services as much as anybody else.

Q.—You think they are unnecessary ?

A.—Yes.

Q.—You say in paragraph 6 of your memorandum, " In financial matters the transferred subjects are entirely at the mercy of the Finance Member, and of the Finance Secretary or the Finance Clerk." Financial powers in regard to your Government come in two ways. First of all, there is the allocation between the transferred and the reserved subjects. Have you any complaint about that ?

A.—It was never done.

Q.—You have no complaint then ?

A.—Allocation was never made.

Q.—It must have been done ?

A.—No allocation between the two sections. The revenues divided into two parts—that was never done.

Q.—There was no separate purse ?

A.—The joint purse was not partitioned.

Q.—But did you have any trouble in settling between yourselves how much money was to go to the reserved side and how much to the transferred side ?

A.—A great deal.

Q.—How was it decided ?

A.—It was always decided against the transferred departments and we never really sat down to do any allocation. There was never really any occasion to divide the two purses or really to get some money. Once, *i.e.*, last budget of my time they told us that we will get so much money, and when they were allocated to our heads of departments, without any further discussion of our knowledge it was removed and taken away.

Q.—Under rule 31 the allocation is a matter of agreement ?

A.—The allocation may be a matter of agreement or a matter of settlement by the Governor.

Q.—Did you dispose of it by agreement or did the Governor settle it ?

A.—But we never came to that.

Q.—You know the rule ?

A.—We never got any money specifically so much for your department, so much for another man's department, so much for another man's department—we never got to that.

Q.—May I read the rule to you ? " Expenditure for the purpose of the administration of both reserved and transferred subjects shall, in the first instance, be a charge on the general revenues and balances of each province, and the framing of proposals for expenditure in regard to transferred and reserved subjects will be a matter for agreement between that part of the government which is responsible for the administration of transferred subjects and that part of the government which is responsible for the administration of reserved subjects."

A.—It never came to that. We never read that rule.

Q.—You never used it ?

A.—We did not know that there was any such thing.

Q.—You were never aware of that rule ?

A.—From my studies I was aware of it, but not as a Minister. It never came really to be exercised.

Q.—Surely you could have drawn attention of the Governor to that rule ?

A.—I did draw his attention on much smaller matters and was not always helped. When I found that the smaller matters could not go through I could not go for the bigger ones.

Q.—I should have thought that the bigger matter is a thing you could have made a fuss over ?

A.—Next time I will take that advice. We never sat down together in which it was said, " We want so much money for the Police, so much for the jails, so much for industries, and so on." We never came to that.

Q.—Why did you not come to that ?

A.—Well, because we found that there was nothing going.

Q.—There was no money ?

A.—There was money sometimes ; no money at other times, and as a matter of fact, when we sent up small proposals they were turned down and there was an end of the matter.

Q.—What kind of small proposals ?

A.—For example, a man wanted to go in the Public Works Department on leave and study Cement Construction.

Q.—Not financial ?

A.—It is financial, and I had to find him £60 or 70 only to study cement in England. It was turned down.

Q.—On what ground ?

A.—On the ground that it will not be useful.

Q.—You had to refer to the Finance Department ?

A.—Yes.

Q.—And they said that the rules did not allow it ?

A.—They said that it was not useful, and they thought that the Minister was wrong in his opinion. Not only once, but many times they said that, and that is why I have used the language that sometimes we were at the discretion of the clerk. I have said that deliberately. If the

clerk put down a note that this was not a useful project, we were faced with this advice of the Finance Department. Sometimes the Finance Department actually claimed that they were in a position to advise us. We were the advisers of the Governor and they were our advisers.

Q.—But you were aware that the Finance Department had no powers under the rule ?

A.—All I could do was to send up the case to the Governor and I actually did it in some cases, and the clerks in the Finance Department said that I had started crying.

Q.—That did not deter you from going on I am sure with your opposition ?

A.—I did send up papers when they came to me to the Governor. Sometimes he thought he should help me, and sometimes he said no.

Q.—Generally he supported you ?

A.—I did not say generally.

Q.—He did not generally support you ?

A.—Sometimes he did the one and sometimes the other. I have not taken an average.

Q.—On the whole you can form a general impression on a thing like that ?

A.—I think that sometimes of course he did support me and sometimes he did not.

Q.—You cannot take it further than that ?

A.—No.

Q.—You are perfectly aware, when you say that the Finance Department had the power, they could not overrule you, but if you could be overruled it was not by the Finance Department ?

A.—Well, it was by the Finance Department in the sense that they claimed and we all took it that their word was the last word. Sometimes I appealed and petitioned the Governor sometimes with effect and sometimes with no effect.

Q.—It is not a question of petitioning. It is a question of asserting your right ?

A.—I actually used these words in one case.

Q.—Then you agree with me as to the position—I am not talking as to the effect of what happened. I am trying to get at the position.

A.—That was the position in which we worked. I have explained that, that the Finance Department overruled us in many ways, at any rate overruled me.

Q.—Would you favour a separate purse as a remedy for that ?

A.—I would prefer only one Cabinet. There is no question of separate purses for the two sections. I want a joint and one Government.

Q.—It must be a unitary Government ?

A.—Yes.

Q.—And therefore a separate purse will be of no use to you ?

A.—No.

Q.—Paragraph 7 of your note is rather curious. You say, " Influence in the Council has been seen in proportion to the ' patronage ' that any member of the Government could put on his side." When you say a

member of the Government you mean the Minister or a Member of the Government ?

A.—I mean both. That is the word used in the Act, ' member of Government '.

Q.—What class of patronage do you refer to ?

A.—Patronage of appointments, patronage of 'being appointed honorary magistrates, patronage of getting water concessions, all sorts of things you know which the Government has the power to do.

(*Sir Muhammad Shafi*).—*Q.*—Titles ?

A.—Titles also. I do not complain about titles as Mr. Kelkar did. I got titles for some of my friends.

Q.—You had no difficulty about the honours question ?

A.—Well, I had no difficulty.

Q.—You got your recommendations through ?

A.—My Secretary consulted me and I suggested some names to him and they were got through.

Q.—When you speak about the influence in the Council of a service member, do you think that he got any vote by his appointment of honorary magistrates ?

A.—The Irrigation Department had a great deal more influence than the Public Works Department and Roads Department.

Q.—Do you think they used their official powers ?

A.—Sometimes they did.

Q.—You did yourself ?

A.—I could not because I was always in a minority and never thought that I could command any majority, and I had only roads to make and nothing else.

Q.—If you had had any influence you would not have used it ?

A.—From point of view of higher politics it would have been very bad to use that.

Q.—But as a man of the world do you regard the use of that as legitimate or not ?

A.—People would not give their votes in my favour if I had the influence without my first using the influence. That is the position.

Q.—But you would have used it if you had the influence ?

A.—If I had the influence, in some way it might have been used.

Q.—I should like to have that point clear that the Government on the transferred and reserved sides used their influence in this way. Has there been any deliberate attempt at appointments with the object of influencing votes in the Council ?

A.—I did not say appointments. I did not mention appointments, but still the expectation of appointments also would have acted and did act, but I did not say exactly appointments were made to get votes. But I do know that promises were held out of titles.

Q.—You would not say that there was a prostitution of appointments ?

A.—No, no. We are more honourable people than that.

Q.—Were they actually sold ?

A.—I think it is the barter stage. It is not really the stage of selling for so much money. It is barter. You do sometimes favour to me and I will do some times to you without putting any actual value on the two sides.

Q.—It is an exchange ?

A.—Exchange of commodities.

Q.—You object to the position of the Chief Secretary ?

A.—I do.

Q.—On what ground ?

A.—On the ground that he is neither responsible nor irresponsible. Still he is the fifth Member.

Q.—I think he works with a Member just as any other Secretary ?

A.—He works generally only with the Governor.

Q.—The Governor is his member ?

A.—The Governor may be said to be his member or he may be himself a member going to the Governor, in the same way as the other members did.

Q.—He did not vote in the Executive Council ?

A.—No.

Q.—Nor at your joint meetings ?

A.—No. If there was a Cabinet meeting and if he was present he simply took down orders. He did not vote.

Q.—Then you can hardly say that he was a member of Government more powerful than any of the others ?

A.—At the time of writing my notes, I was not thinking of the Cabinet meetings which I said were practically very few. I was thinking of the actual power in some departments he had. In certain departments, for example, the appointments, the Chief Secretary practically had the whole thing in his hands.

Q.—Do you say that because of his experience and knowledge as a permanent official or is it due to any other reason ?

A.—Experience and knowledge is a thing that I have not understood from my experience of the Secretariat, because we had about 5 or 6 Chief Secretaries during the time I was there. The experience as such would be very limited, if there was any.

Q.—Then he must be a powerful official to have a predominating influence ?

A.—When a man comes in and he finds that he has the power he uses it. He has experience of the use of power.

Q.—You say that there had been 5 or 6 changes of appointments. Then it is very creditable to have attained a predominant position in a short time ?

A.—The predominant position did not come from his personality. It came because that was the fashion and he had all the papers of a certain department and he used them.

Q.—He disposed them of under the orders of his member, the Governor ?

A.—A few papers he might have take nto one of the members possibly of a certain department.

Q.—In substance your complaint is this that he had too much power ?

A.—That is my complaint.

Q.—There is no personal complaint ?

A.—No personal complaint at all ; they were all my friends and I should like to keep friendly with them now.

Q.—In paragraph 10 you say that the Secretaries have enjoyed under the rules pre-audience of the Governor. What do you mean by pre-audience ?

A.—We had fixed days for seeing the Governor. The Secretary went first and the Minister went afterwards.

Q.—You do not like that ?

A.—I do not like the Secretary to go to the Governor at all.

Q.—You would like to take all your cases yourself ?

A.—I should like to take the whole responsibility.

Q.—Would you allow the Secretary on the reserved side to go to the Governor ?

A.—On both sides I would not allow the Secretary to go to the Governor if my opinion were asked.

Q.—Then there would be a great deal of work for the member ?

A.—I do not think so.

Q.—The practice seems to be that cases are taken by the Secretary in the same way as the member would do. You do not like that anyway ?

A.—I do not know what the practice of the Government of India is, but in the Punjab the practice was like this. A file was waiting on my table. The Secretary was instructing the Governor. Then I took the file and the Governor knew all about it and he had formed an opinion before I took the papers to him.

Q.—His knowing all about the case would be an advantage. What is your objection to it ?

A.—I do not know whether it would be an advantage or a disadvantage. It all depends on the way how it is put to him.

Q.—I quite agree that if he had formed an opinion it would prejudice your case, but if he knew the facts it would be a great advantage ; and it would tend to save much of your time.

A.—I do not know that we were so much pressed for time that we could not really explain cases.

Q.—You would have preferred to have done it yourself ?

A.—I should think so, if I was responsible for the thing.

Q.—You say in paragraph 10 that the Under Secretary system of England might improve matters. What do you understand by the Under Secretary system ?

A.—I understand two things. One is that they are men of experience as they stayed in the office for a long time, and secondly that they are members' secretaries.

Q.—You mean the Permanent Under Secretary, and not the Parliamentary Under Secretary ?

A.—Yes, I mean the Permanent Under Secretary and not the Parliamentary Under Secretary. They are useful to the members in giving information at least with regard to the history of the cases. But so far as my experience went in the Punjab in one section of my department 5 were changed in 34 months. You can easily understand this. This was apart from the Chief Secretary in another department. You can see how much help they would have given me. They were as new, if not newer, than I was to the cases.

Q.—You found as a matter of fact that you got no assistance from them ?

A.—I got no assistance.

Q.—It was not due to men but to the change ?

A.—The men were excellent ; I do not object to the men.

Q.—What is the other point about Under Secretaries ?

A.—The other is duplication and triplication of notes. The clerk or the Superintendent wrote the note first. Then it came to an Under Secretary of some kind who wrote a note. Then the Secretary wrote a note and then it came to the Minister.

Q.—And then you wrote a note ?

A.—No ! the Minister had to read 3 notes, and found that the first note was really the best.

Q.—But surely it was a matter within your discretion to say that you did not want any noting except the clerk's note ?

A.—Then the appointments would not be justified. They must do something.

Q.—You think it would be sufficient for a Minister to have a clerical establishment and no superior staff ?

A.—No, I do not say that. I go up to the point of a permanent Under Secretary. He would not be a mere clerk. He would be an experienced man and he would note on the history of the cases, including the policy of the former Ministers, or the preceding Minister or of the Governors and he will be able to enlighten the Minister on all such points.

Q.—That is all you want ?

A.—That is all I would want if I was there again.

Q.—In paragraph 13 one of your objections to the present distribution of constituencies is that they are very large.

A.—That is so ; constituencies are very big ones.

Q.—Have you considered whether the Punjab as a whole is not too big ?

A.—It is too big and it has been made bigger by communal distribution. The maximum is Muhammadans 32 or 30. The Punjab is to be divided into 32 parts for them. Then for the Hindus it is divided into bigger parts, *i.e.*, in 20 and for the Sikhs it is divided into still bigger parts in the form of 12 sections. If all were combined, the whole thing will be divided into 78 compartments. That would certainly be an advantage for canvassing and it would be an advantage for personal touch.

Q.—Could you tell me whether the Punjab is so arranged that certain parts are inhabited by Sikhs, certain parts by Muhammadans and certain other parts by Hindus ?

A.—More or less there seems to be concentration of population in one district consisting of more people of one community than another.

Q.—What about territorial division for Muhammadans ?

A.—The province is divided on the territorial basis. But sometimes where the population is small the area is big and the result is that members have to canvass two men in one village and 3 men in another village, 10 miles away and perhaps 50 miles away he has to go and see a few friends. That makes the case worse.

Q.—It makes canvassing rather difficult ?

A.—It makes canvassing very difficult.

Q.—What constituency did you represent ?

A.—I represented commerce and trade.

Q.—It was easy for canvassing ?

A.—Yes, it was easy.

Q.—Why do you say, Mr. Harkishan Lal, that provincial representation looks like communal representation in the central councils ?

A.—So far as I have been reading the newspapers, I never heard that Madrasees or Punjabees or United Provinces men as such held a meeting to put the views of Madras or the Punjab or the United Provinces on a particular question. So far as the Punjab is concerned, generally it seemed to me that as Punjabees they never met and as Punjabees they never voted together ; as Punjabees they never had a policy or had an idea or a scheme.

Q.—Has it ever occurred to you that a province might suitably be represented in the Imperial Council not by direct election but by election by the provincial council so as to ensure that the representatives in the central council represent the majority in the local council ? That is my point.

A.—That would be one way and a much easier way. But that would be against the popular idea of Europe which we are following and imitating in every respect.

Q.—Do you follow or imitate those ideas in every respect ?

A.—I believe in the newest machinery ; in the newest and the latest machinery both in politics and in industries.

(*Mr. M. A. Jinnah*).—*Q.*—We had that system during the Minto-Morley Reforms and that was given up by the new Act.

A.—Quite so.

Q.—Sometimes you go back on that ?

A.—I think the Government of India has been going back a great deal sometimes. I do not know about others.

Q.—You are not personally going back ?

A.—No.

Q.—In paragraph 15 you suggest that Railways should be provincial I do not quite follow that.

A.—No. I do not say exactly the whole thing should be provincial now. Perhaps it is not possible. But certain sections or certain departments of the railway should certainly be provincialised, for example the traffic.

Q.—The traffic staff or the actual traffic ?

A.—The traffic staff in a way, the traffic arrangements, the traffic complaints and the traffic requirements of the province and so forth. It may not be quite possible to provincialise railways because railways run through several provinces generally—one system ; but if it could really be divided into provincial compartments, that would certainly be a good thing.

Q.—Do you mean more than this that local complaints should be attended to locally ?

A.—Yes, there is no other way.

Q.—Do you mean more than that ?

A.—I mean more than that certainly. If certain departments of the railway know that they are under the local responsible government their whole tenor and behaviour would be different.

Q.—It would be rather difficult, won't it, to have double control over one staff ?

A.—Well, I think that may be tried as a dyarchy.

Q.—Are you in favour of dyrachy ?

A.—I am against dyarchy. It may however be tried in railways.

Q.—About income-tax, do you think it should be collected by local officials ?

A.—Income-tax, so far as the department goes, not the actual incidence of the tax, ought to be left to the local government.

Q.—They should collect the money for you ?

A.—Yes.

Q.—You do not like the new imperial income-tax arrangement ?

A.—Collecting money implies supervision of the staff and the appointment of the staff. It does imply that. That is one way of looking at it. Another way is that this division of revenues into separate sections would create trouble, because I have heard in the Punjab council people saying that the townspeople don't pay anything and the whole revenue is paid by the agriculturist ; because when he looks at the budget, he does not find anything really substantial, excepting excise perhaps, being paid by the townspeople.

Q.—You pay income-tax but it does not appear in the accounts ?

A.—No.

Q.—I want to know whether you object to this arrangement which has been regarded as a reform that the income-tax staff should be a central staff and there should no longer be an agency for collecting it ?

A.—But I do not think that much improvement has been made as yet by the central staff.

Q.—You object to the central staff ?

A.—I object.

Q.—In paragraph 16 you refer to special privileges enjoyed by the Civil Service. What are the special privileges ?

A.—The special privilege to begin with is that they are entitled to be Governors, that they are entitled to be Members of Council.

Q.—Not entitled. They may be appointed Governors ?

A.—I think they say that they are entitled. The practice seems to be so.

Q.—Can you give me any such instance in the case of the Governors of the Bombay, Madras or Bengal Presidencies ?

A.—Eveybody knows that those three appointments have for a long time been filled from outside. I am talking more or less with reference to the provinces like my own.

Q.—There is no special qualification as regards the Civilian but such special qualification is common to the members of the other services of the Crown ?

A.—So far as that goes, the words used are that they must have been for so many years in the public service. I do not know whether anybody has ever acted on that law.

Q.—Do you remember Sir Thomas Holland ?

A.—I do remember him.

Q.—He was not a Civilian ?

A.—He was a geologist.

Q.—Then he was appointed under that clause ?

A.—Yes, and he had to go.

Q.—May I give you another instance in the Government of India ? You know the Honourable Sir Bhupendranath Mitra ?

A.—I do not know him.

Q.—He is not a Civilian ?

A.—No.

Q.—He is a Member of the Viceroy's Executive Council ?

A.—Yes.

Q.—He was also appointed under that clause ?

A.—Very likely that is the reason. But there is something else also and that is that an Indian had to get in. So far as he is concerned there was not one thing only but there were two things. In this case an Indian had to be found in the service.

Q.—But I am only contesting your suggestion that these high posts are the special privilege of the Civilians ?

A.—But these forced exceptions do really prove the rule. I say that the Honourable Sir Bhupendranath Mitra is a forced exception and not a willing exception. That is how I would interpret it.

Q.—You will not still agree with me that the appointments such as of Governors and Members of the Executive Council are not reserved for the Civilians only.

A.—Technically they are not reserved. But so far as the Civil Service cadre is concerned the position is quite different. I think there is some provision to that effect in Schedule III. I shall just find out whether that schedule gives some privileges to them or not.

Q.—Would you show me anything in the Schedule with reference to the Governors or the Executive Councillors ? You can take it from me that there is no reference there to a Governor or a Member of the Executive Council ?

A.—Certainly I will take it from you.

Q.—With regard to paragraph 17, I suppose you are aware that resolutions in the House of Commons are mere recommendations ?

A.—Yes, but they are recommendations *to people who are removable.*

Q.—That is exactly the point. Therefore a recommendation to a Minister is exactly on the same footing. A resolution on the transferred side is exactly on the same footing as a resolution in the House of Commons, that is to say, if the Minister fails to carry it out or is defeated over an important resolution, he has to go ?

A.—The analogy is not quite correct because the analogy of the Members and the Ministers in India is not the same as in England.

Q.—In regard to the transferred subjects the analogy is complete ?

A.—The analogy is not quite complete even there because the local Government is not defined as a Minister. The local Government is defined as a Minister and the Governor. The Minister as such has no power to carry out a resolution because our resolutions more or less have to be carried out by the local Government and the local Government is the Governor. As a matter of fact, I know that some resolutions could not be carried out after they had been passed, though the Minister might have been the most willing individuality to carry them out.

Q.—You mean to say important resolutions ?

A.—The Council considers all the resolutions important when it passes them.

Q.—Did the Minister also consider them important ?

A.—On the contrary the Minister was responsible for their policy but he could not carry them out. There have been cases of that kind.

Q.—In that case the remedy is for the Minister to resign ?

A.—The Minister did resign. As a matter of fact you may know that I resigned three times. So I applied that remedy several times but it was unfortunately ineffective.

Q.—Your resignation was inoperative ?

A.—It was not accepted.

Sir Muhammad Shafi.—*Q.*—There is a non-Muslim majority in the Punjab Legislative Council taken as a whole ?

A.—Yes if you take the official bloc also into consideration.

Q.—You have said in paragraph 5 of your Memorandum that there have been at times as many as five local Governments in the province of the Punjab. Will you kindly explain what you mean by that ?

A.—Four Members and the fifth, Chief Secretary.

(*Mr. Chairman*).—*Q.*—You do not include the Governor ?

A.—The Governor is above criticism like the King.

Q.—You said in reply to the Chairman that the real solution of the existing unfortunate position in the Punjab is that communal representation should be put an end to because it is unequal ?

A.—Yes, I said that.

Q.—Let me take you back a certain number of years. You will remember that in 1909 when the Morley-Minto Reforms were introduced there were five electorates for the Punjab Legislative Council ?

A.—I do not remember, but very likely you are right.

Q.—Because to my knowledge you played a very important part in those elections. Therefore I am going to remind you. There were 5 elected members in the Punjab Council returned by the three groups known as Eastern Municipal, Central Municipal and the Western Municipal, the University and the Commerce ?

A.—Very likely there were five.

Q.—And these were all mixed electorates ?

A.—If they were municipal groups, then they were certainly mixed.

Q.—Do you remember that on the day of the nomination of candidates in the first instance in all these three municipal groups a number of Muhammadan as well as a number of Hindu candidates were nominated ?

A.—I do not remember that but I think you are very likely right.

Q.—At any rate, do you remember that on the final day of election each of these three constituencies all Hindu candidates except one and every Muhammadan candidate withdrew except one and therefore the final contest was between a single Hindu and a single Muhammadan candidate in each constituency ?

A.—I do not remember it but that is very likely true.

Q.—Let me remind you of something else. You will remember that the final counting took place in the Lawrence Hall and you were present there ?

A.—Yes.

Q.—Do you remember now that in each constituency the contest was between a single Hindu and a single Muhammadan ?

A.—I do not remember that. But I remember that I was there and I also remember the part that the Chief Secretary played.

Q.—Do you remember that the Punjab Hindu Sabha in every one of those three constituencies took up its Hindu candidate and the Punjab Muslim League took up its Muhammadan candidate ?

A.—I do not remember that because I was a member of neither. I do not remember the details at all of that contest.

Q.—Don't you consider that on the final polling day the contest really became a contest between the two communities and not the two individuals ?

A.—No I do not think so, because so far as I am concerned I was very strenuously opposed by Mr. (now Sir) Shadi Lal all the time and Sir Shadi Lal and I have the same religion.

Q.—But you were not a candidate at all ?

A.—Was not I a candidate ? Don't you remember that I had to appeal.

Q.—Not in the three municipal electorates ?

A.—You have also mentioned the University. I was a candidate from the University and as you know University is also a mixed electorate.

Q.—Excuse me, you were not a candidate from the University in the 1909 election ?

A.—In the 1909 election I was a candidate from the University for the Local Council and I was further a candidate or was supposed to be a candidate for the Imperial Council.

Q.—I am not speaking of the Imperial Council ; I am speaking of the Punjab Council. Let me remind you that from the University election for the Punjab Council you were not a candidate and Sir Shadi Lal was the only candidate ?

A.—I was a candidate and I did not withdraw. The Registrar gave a decision against me. I appealed ; and we both Hindus had a good contest.

Q.—Are you speaking of 1912 or 1909 ?

A.—I am speaking of 1909, Sir. The fact of the matter is that partly your memory is correct and partly my memory is correct. So far as the University is concerned my memory is correct and so far as the municipal groups are concerned very likely your memory is correct.

Q.—Let us put aside the University for the present. My questions are with regard to the three municipal groups. There you admit that in the end there was a contest between a single Hindu candidate and a single Muhammadan candidate ?

A.—I do not admit anything because I do not remember.

Q.—But you said probably this was so ?

A.—If this is an admission in law, than certainly I admitted it.

Q.—Is it your opinion that mixed electorates furnish periodically recurring causes of friction between the two communities and therefore are injurious to the cause of Hindu-Muslim unity ?

A.—I do not think any very strong friction has ever been created. It may have been on occasions. But the Hindus and the Muhammadans as such have never felt that they are opposed to each other.

Q.—In the constitution of the Punjab University there is such a thing as a graduates electorate. Is not that a mixed electorate ?

A.—Yes ; it is a mixed electorate.

Q.—How long has that electorate been in existence ?

A.—I should think about 12 to 14 years.

Q.—*Sir Muhammad Shafi (in the Chair).*—May I ask, as far as you know during these 12 years has a single Muhammadan been elected by the graduates to the electorate of the Senate of the Punjab University ?

A.—So far as I know hardly any Muhammadan candidate offered himself.

Q.—What do you think is the reason of that ?

A.—They thought they could not command the respect and the influence necessary.

Q.—Is it or is it not a fact that the overwhelming majority of voters in the electorate are Hindus ?

A.—Certainly.

Q.—In your opinion the present Hindu-Muhammadan situation in the Punjab is due only to this *Shudhi* movement and nothing else ?

A.—Let us understand what the situation is. Many people generalise too quickly, and I might, apart from the evidence, mention this, that in London some Members of Parliament were under a wrong impression, and I asked them to reckon up the incidents they had heard of within the last four or five years. The whole of India did not produce, according to their information, more than five incidents in five years so the generalization from that was too much. So if you define what you mean by the situation in the Punjab, I am quite prepared to answer the question.

Q.—Do you think that what is known as the *Shudhi* movement has accentuated the bitterness between the two communities ?

A.—In a few sections it might have done, but not with the general populace. I do not think they are even cognisant of what is happening in the newspapers. Most of the things happen in the newspapers now, not actually.

(At this stage Sir Alexander Muddiman returned to the Chair)

Q.—As compared with 20 years ago is there not a large number of newspapers in the Punjab than was the case ?

A.—Certainly.

Q.—Is not the circulation of these papers larger than the circulation of the papers in existence 20 years ago ?

A.—Certainly.

Q.—Is it not a fact that even in remote villages where a newspaper reaches the village, that it is read in the *chowpals* by the literate people ?

A.—Sometimes it is.

Q.—You said in reply to the Chairman that the Government of India has been going back a great deal. Will you kindly give an instance ?

A.—I said sometimes it does.

Q.—Will you give us an instance or two in which the Government of India has gone back?

A.—That is rather difficult ; if I tried I might be able to do it.

Q.—Did you mean since the introduction of the Reforms ?

A.—I had not in mind any specific time, but I had the general impression. What I mean is that Europe is advancing towards democratic government and we sometimes do not go so far, and sometimes go back.

Q.—You mean that that was a general statement ?

A.—A general statement.

Q.—Not with reference to any particular things ?

A.—Those particular things I could give you later.

Q.—It was a general statement ; you did not mean for instance, to say that since the introduction of the Reforms Scheme, the Government of India had gone backwards ?

A.—I did not refer exclusively to that period, but that period might also be included.

Q.—Can you give me any definite instance in which, since the introduction of the Reform Scheme, the Government of India, as distinguished from other governments, the Imperial Government, His Majesty's Government has gone back ?

A.—When I look up the proceedings of the Government of India I will be able to give you an instance ; I do not remember any just this minute.

Q.—You know that Sir Bhupendra Nath Mitra is only an officiating Member for a few months ?

A.—That is what I understand.

Q.—Have you looked at Schedule 3 of the Government of India Act ?

A.—I have got it before me.

Q.—There are two parts, one relating to the Government of India and the other to the Provincial Governments. Is there any appointment of importance in the Provinces which is not reserved for the Indian Civil Service ?

A.—All the appointments are reserved. In this question I agree with you certainly.

Mr. Jinnah.—*Q.*—A question was put to you just now, is the Government of India going backwards since the Reforms Act ? Is there much room for the Government of India to go more backward than it is at present ?

A.—In some respects not.

Q.—If it did, it would be positively unfair, would it not ?

A.—Very unfair.

Q.—I think you were a member of the Indian National Congress for many years ?

A.—Yes, up to 1920.

Q.—Were you present at Lucknow when the Congress Muslim League pact was arrived at ?

A.—Yes I was present there.

A.—And did you at that time think that the circumstances required that this pact should be arrived at ?

A.—Yes, that was the opinion of the majority there.

Q.—Whatever may be your individual opinion, you felt the expediency and the necessity of the circumstances as they existed required that that pact should be arrived at ?

A.—I was at one with the people who followed the policy of expedieney.

Q.—And you know that that was one of the difficulties which really was effectually removed because of the pact ?

A.—Yes.

Q.—And you know that in the Joint Select Committee's report they accepted that ?

A.—Yes.

Q.—Well now I ask you,—I am not at present an advocate either of separate electorates or communal electorates—supposing the Muhammadans felt that still they would like to continue separate electorates, as a temporary measure, would you be opposed to it ?

A.—I would tell them that they were not getting or exercising responsible government. I may or may not be successful that is another matter, but my position is this, that responsible government is impossible with communal electorates.

Q.—You think the general electorate is more in conformity with the democratic system of government which will give responsibility to the people ?

A.—To answer your question I interpret that to mean as to whether I will agree to the postponement of the coming of the day because the Muhammadans are opposed to general electorates. Reading your question in that light my opinion is that responsible government is impossible, especially in the Punjab, so long as communal representation remains,—and if you ask whether I will accept that or not, it amounts to say whether I will accept the postponement of the day. That is how I interpret the question.

Q.—I do not think that is quite the correct way to interpret my question. Do you say it is not possible for any country to attain responsible government if there are separate electorates ?

A.—You are asking me more than I know. Therefore I would not answer a question I do not know of. I do not know any other country where communal representation prevails and has got representative government.

Q.—Supposing it was so, we won't discuss history here, according to what you say it is not possible to get responsible government so long as there are separate electorates ?

A.—To exercise responsible government is what I had in mind ; to get is another matter.

Q.—Well to establish responsible government. Supposing you are wrong on that point and supposing I am right, that it is possible to establish responsible government notwithstanding separate electorates ?

A.—Out of respect to you I might agree.

Q.—You said if there were general electorates, then you would not have so much communal friction in the Legislatures, did I understand you correctly ?

A.—Yes.

Q.—Not in your memorandum but in your answer to the Chairman I think you said that.

A.—So far as the Chairman is concerned he never used the word "friction". I never used the word "friction" either. It came from Sir Muhammad Shafi.

Q.—Very well, we will take it, it came from the Law Member. I may be wrong but anyhow that is what you said. Now supposing you had common electorates, would you get Muhammadans in the Legislatures as well as Hindus ?

A.—Yes.

Q.—Wouldn't the same state of things exist ?

A.—No, because the election would not be fought on that principle. The election will be fought on some principle which Hindus and Muhammadans will jointly put forward—two, three, four ideas, policies, programmes and so on ; and therefore one programme having been accepted by Hindus and Muhammadans, in regard to that particular programme they will hold together. An illustration of that is the present running of the Congress. In the Congress, Swarajists and Non-co-operators are not divided as Hindus and Muhammadans : they are divided as Non-co-operators, as Swarajists and so on.

Q.—You say in spite of the separate electorates it may be that the group of Musulmans may have the same policy and programme as the Hindus have ; and they would contest their respective electorates on the same policy and programme ?

A.—That is quite possible.

Q.—Notwithstanding separate electorates ?

A.—They have not done it so far.

Q.—So far you have not had any policy or programme except to oppose the government. What policy did you stand for ?

A.—Appointments.

Q.—Is that a policy or a programme ?

A.—At present it is understood to be both.

Q.—Yes, but do you admit this or not—that if there was a responsible government in this country, notwithstanding separate electorates, you could form a party which will seek election from their respective electorates on a definite policy and programme ?

A.—It is conceivable.

Q.—Well now I want to ask you something. You have worked as a Minister ?

A.—Yes.

Q.—And I believe you went into the Council honestly and sincerely and earnestly to work the reforms ?

A.—Yes.

Q.—Now you had nearly three years' experience. I want to know definitely from you—suppose certain defects were removed ; I think you will admit this that in order to maintain a system of dyarchy there must be a substantial division of transferred and reserved subjects.

A.—But that is the definition of dyarchy.

Q.—I am putting it to you for this reason.—Supposing every subject was transferred except some very minor departments such as (my colleague Dr. Paranjpye suggests) European Vagrancy—suppose that was left in charge of a member of the Executive and all other departments were transferred, then it would no more be dyarchy, it would be an absurdity—I mean you would reduce the whole thing to an absurdity ?

A.—Quite.

Q.—Therefore in order to maintain a system of dyarchy you must have a fair and substantial division of reserved and transferred subjects ; without that cannot have dyrachy ?

A.—Yes.

Q.—If that is so, supposing that was maintained, is it possible for you to work it ?

A.—No.

Q.—Suppose all your grievances were met with regard to finance, all your grievances were met with regard to your control and supervision being complete over your subjects, and suppose it was also established not merely in theory but in practice that you have not to have any consultations and so on and so forth ; all the various things which were put to you or might be put to you—do you still consider that dyarchy is unworkable ?

A.—Well, if all the possible difficulties were removed, would not that be a negation of dyarchy ? Of course some other things will remain which I have mentioned, for instance, the grouping of subjects and so on, but that of course would be an improvement. I have said that things could be done in a better way.

Q.—You mean a better division ?

A.—A better division and better administration and so on.

Q.—It will practically be a negation of dyarchy if all these things were done ?

A.—Yes, that is what it amounts to.

Q.—Supposing all this was done, you would still have the Governor who has got power ?

A.—But you said the Governor was not going to exercise his power and the Council was going really to be able to enforce its demands. When I said all difficulties, I meant this.

Q.—If all difficulties are removed, then you say it will be a negation of dyarchy ?

A.—Yes.

Q.—One more question. You have been in very close touch with public life in the Punjab.

A.—For many years I have.

Q.—You have suffered for it too ?

A.—Oh ! many a time.

Q.—Now in your opinion do you think that the electorates in the Punjab are sufficiently intelligent and experienced to give an intelligent judgment on broad issues which may be placed before them ?

A.—Yes, if they are placed before them they are quite capable to form a judgment on them.

Q.—And you think electorates as they exist at present are capable of returning competent representatives of calibre and ability ?

A.—Oh ! yes.

Q.—Now you say that the Minister is really nobody—I think that is what you said comes to.

A.—I didn't say nobody ; he is not very effectual in the Government but he is somebody.

Q.—Nobody so far as power went.

A.—You are right there.

Q.—Of course you have the glorified name of Minister.

A.—Yes and the receptions at the railway station also.

(*Mr. Chairman*).—*Q.*—Which is very impressive to the electorates ?

A.—If you are seeking re-election !

Q.—As far as I can make out, you have got three objections. The first is that those who are immediately under you are capable of going against you and overruling you.

A.—Quite, that is one factor.

Q.—The second is that the Governor may turn down any proposal that you may bring up ?

A.—Quite so, that is second.

Q.—And that if you do not satisfy the Governor, the only course open to you is to resign ?

A.—Yes, that is so.

Q.—And so far as the legislature is concerned, you cannot carry out the wishes of the majority unless the Governor allows you to do so. You cannot introduce any measure, however much it may be desired by the majority of the legislature, unless the Governor allows you to do so ?

A.—Yes, that is the position.

Q.—Although you may agree with the policy which the legislature desire to enforce ?

A.—Quite so.

Q.—Have you seen the Instrument of Instructions to Governors ?

A.—I saw it once, I think.

Q.—Well if you will look at Instruction no. 6, it runs as follows :—

> " In considering the Minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion he shall have due regard to his relations with the legislative council and to the wishes of the people of the Presidency as expressed by their representatives therein."

Now that entirely depends upon the Governor—does it not ? I mean it gives him every latitude in considering the Minister's advice.

A.—Yes, entire power to do as he likes.

(*Mr. Chairman*).—It says " he shall have due regard, etc."

Q.—It is pointed out by the Chairman that the Governor " shall have due regard." I suggest that means having due regard to his own ideas, not having due regard to your ideas. Is that so ?

A.—That is what would happen in practice.

Q.—In practice what happens is this, that he is the ultimate judge ?

A.—Yes.

Maharaja of Burdwan.—*Q.*—In view of the present situation in the Punjab, supposing you had what is known as full responsible government, what would be the position of the Hindus in your province ?

A.—Better than it is now.

Q.—Although you don't like the communal system you think that if this communal system continues and you are given full responsible government, the difficulties that you labour under at the present moment under this very communal system will disappear ?

A.—I never said that. My position is that responsible government is not possible so long as the present principle of communal representation in the Punjab goes on. That is the position from which I started.

Q.—What I want to ask you is this—that supposing the people insist on having the communal system of representation and still say " Give us full responsible government "..... .

A.—What is full responsible government with that kind of representation ? It is not workable at all. It is not practical at all. There are three communities, if you will allow me to say so, two to be in the minority, the official bloc disappears, and one community comes there with the idea that they are Muhammadans and that they have to benefit the Muhammandans in every possible way ; and the other two communities also continue to be two communities. How does responsible government arise ? The other two communities have to be in the opposition every time. They have no other way. Minorities in opposition and the majority in power—how the question of responsible government arises in that case, I cannot understand.

(*Sir Muhammad Shafi*).—*Q.*—Don't you think that in all those provinces where the Hindus are in an elected majority, the Muhammadans will similarly be in the opposition ?

A.—Exactly. That is why I say that communal system ought to be done away with there also.

(*Sir Muhammad Shafi*).—*Q.*—Then responsible government is impossible in India according to your view.

A.—No, no. It is quite possible without communal representation. When communal representation is gone, then there is responsible government. But so long as there is communal representation there is no responsible government because the majority always, whether Hindus or Muhammadans, are really the rulers.

Q.—Supposing you had a full system of Ministerial Government in your province. Am I to understand from you that you feel that the Muhammadans would always be in power and that the Hindus and the Sikhs would be in the opposition ?

A.—That is what will happen if present system of representation prevailed.

Q.—Would you prefer that position to the present situation ?

A.—You are putting the question making an assumption that the Ministers would be not the Ministers of the majority but the Ministers of somebody else. If the Ministers are also the majority then the Ministers are the majority and the Council is the majority. What will happen of

course is simply a matter of inference. It is not a matter of argument or of experience.

Q.—Supposing the Ministers are the majority. In your province the majority happens to be the Muhammadans. Would that improve your position beyond what it is to-day in the province ?

A.—It won't.

Q.—In what way ?

A.—It won't at all. If the Ministers belong to a communal section and the majority is based on communal representation, certainly the other communities being in opposition, their fate would be the same as that of every opposition in the world.

Q.—Supposing you had full autonomy ?

A.—Who are " you " ? Who are " we " there ? Does full autonomy mean that the Governor is not there or that the Governor is there ?

Q.—You can have full autonomy still with a constitutional Governor ?

A.—Quite. I take it for to-day that there is a constitutional Governor, and the powers of the Governor are reduced and the powers of the Ministers are increased, and the communal representation remains as at present but the official bloc disappears—that is what autonomy would mean, won't it ?

Q.—It would mean more or less that.

A.—Very well. You want me to infer differently from the logical inference that would be there.

Q.—I want to know what the logical inference is.

A.—The logical inference is that the opposition will suffer—that is the minority.

(Mr. Chairman).—*Q.*—The majority will exercise their power regardless of the minority ?

A.—Yes.

Q.—That being so, would you welcome that ?

A.—I never said that.

Q.—If you don't welcome that, what is the advance you would like to have in the Punjab over the present system ?

A.—The first paragraph of my note says, " No communal representation ", and so far as I can see, I do not see any way out of the difficulty without removing communal representation.

Q.—Supposing communal representation was not removed. I am only going on inference. Would you rather have the present system continued or would you rather have what is known as responsible government or provincial autonomy ?

A.—Some of my friends have told me that they would rather like to go back.

Q.—What is your view ?

A.—My view is that I would struggle for the removal of the communal representation.

Q.—When that is done, you will get, you think, the ideal position. But so long as we have got to face facts....

A.—I am facing them.

Q.—So long as we have to face facts—this Committee has got to make general recommendations for the whole of India ; you come from the Punjab, you are an *ex*-Minister of the Punjab and that being so we want to get at the difficulties in the Punjab. You have told us that so long as communal representation continues full responsible government or autonomy is not possible in the Punjab because the minority will suffer. Am I correct in that ?

A.—Yes.

Q.—That being so, what kind of advance would you advocate for the Punjab over the present system in view of the fact that you denounce dyarchy ?

A.—Must I advocate any advance ?

Q.—I want to know whether you would like to continue the present system which you dislike ?

A.—I said that some of my friends want to go back.

Q.—Are you one of those friends who want to go back ?

A.—I have not lost hope. That is the position. I do not think that if the case is put really, and properly, and the whole case is explained, there is any difficulty in removing communal representation.

Q.—But supposing communal representation is to be left alone. Would you rather go back than go forward ?

A.—That is the opinion of my friends.

Q.—What is your opinion ?

A.—I don't think I have formed an opinion in that contingency. I have always been thinking in terms of non-communal representation.

Q.—You say in paragraph 2 that owing to the Muhammadan Minister having had a majority and making a real position for himself, " the position of the 2nd Minister became untenable and quite unreal ". The position of the 2nd Minister, to whom you refer, is yourself ?

A.—Yes.

Q.—Then you say : " The Law as it stands provides no Cabinet Government ; there is no single policy, etc."

A.—Yes.

Q.—Do you think that in your province, if dyarchy had been worked differently from the way in which it has been worked—because I feel, having had some personal experience, that one of the causes of—I won't say displeasure, but—discontent among the Ministers has been that in the beginning every Governor started with the injunction laid down by the Joint Committee that there should be free interchange of views and so forth at joint meetings, but then gradually, these joint meetings became few and far between and the Ministers felt that they were being left in the cold and that they were not being consulted at all about the reserved half. Is it not so ?

A.—No. The whole case has been put by Mr. Jinnah. Mr. Jinnah enumerated into three classes the difficulties the Ministers have had to experience and have experienced. It is not only one. It might have come in simultaneously with the cabinet meetings becoming scarcer. All these difficulties began to be felt at the same time as time went on.

Q.—Is not that one of the causes ?

A.—So far as the Punjab is concerned, I do not think there was ever a meeting of the Governor and the two Members. Each Member met the Governor several times, but I do not remember that there has been any meeting which might be called a meeting of the Executive Council from which the Ministers were excluded. Of course meetings were very few, but that is another matter. But there never was that in the Punjab.

Q.—Do you think that if in the Punjab dyarchy had been worked in the sense that dyarchy is known, namely, that the Governor commonly consulted his Ministers regarding the transferred subjects, and that the Ministers knew from the beginning that they had nothing to do with the reserved subjects and so forth, your position in the Legislative Council would have been better than your having been consulted as an adviser in reserved matters in which you had no right to vote ?

A.—I do not connect the two, that is, the position of the Ministers and the Governor, and their position in the Council. I have not criticised it from that point of view. The Council stands on its own footing. I have not suggested that because the Governor was one day smiling on us, the Council was kind to us, and the next day the Council was not kind to us because the Governor was not smiling.

Q.—Since you denounce dyarchy, supposing you were fortunate to get dyarchy removed, but you were unfortunate in removing communal representation, what would you have in the Punjab ? Would you still have dyarchy and communal representation, or would you have a unified form of Government having all Members of Council and communal representation ?

A.—In the interest of administration I would remove dyarchy even with the communal representation ; in the interest of the people I will remove communal representation first and then remove dyarchy.

Q.—Supposing for the moment that you cannot remove communal representation, because it is not only a provincial question but an all-India question.

A.—I am distinguishing between the two cases. One case is that of the administration and I have said that there have been certain difficulties with regard to that. The other is the question of rights and privileges and dignity and all sorts of things. I have separated these two. One relates to the Council and the other relates to the distribution of power. Which would I remove first ? If you ask me, I personally will remove the communal representation first, but if it came the other way round, I won't kick at it.

Q.—Supposing communal representation was not removed. Would you continue the present system of transferred and reserved subjects or would you have a whole unified Government of Members of Council ?

A.—I have answered that I will not kick at it.

Q.—Would you rather have Members of Council ?

A.—No, no. What I say is this. If dyarchy is removed, that would help the administration, and therefore, I will not say that I do not co-operate there.

Q.—You can only remove dyarchy by either going back or going forward. You can remove it only either by giving autonomy to your province or going back and saying that every subject shall be reserved, so to speak.

A.—The distinction would disappear of reserved and transferred subjects if there is a unified government, and the administration would be improved. The question would be whether the administrators would be Ministers or Members. You have not put that question to me.

Q.—That is what I am asking ?

A.—You are asking me whether I would like everybody to be a Member.

Q.—Or Minister ?

A.—Well, personally, I would like everybody to be a Minister.

Q.—If you want everybody to be a Minister, how would you work it ?

A.—I would work it in as bad a way as it has been worked now—as badly or little worse.

(*Mr. Chairman*).—*Q.*—You mean the compartmental system ?

A.—What I understand by the question is that the distinction of reserved and transferred shall be removed, and the classification of Members of Government into two classes is also removed. In that case whether I would like everybody to be a member of Government or a Minister, I say that I would prefer to be a Minister even in those conditions.

(*Sir Muhammad Shafi*).—*Q.*—I think what the Maharaja has in his mind is this. Would you rather have all Ministers plus communal representation or have all executive Council ?

A.—I would have all Ministers plus communal representation, and the reason is that I believe that the members of Government as at present appointed are less in touch with public opinion than Ministers, not that the Ministers will enjoy better rights and so on.

Dr. Paranjpye.—*Q.*—Although you were overruled in most cases, and no cabinet meetings were called, possibly a certain number of rules laid down in the constitution or rules under the Act had also not been observed, do you not think that you could have made a more effective protest than you did actually ?

A.—How do you mean effective ? That is by tendering resignation ? I did.

Q.—Not by tendering it and taking it back.

A.—I did not take it back at all. It remained with the Governor all the time. I never withdrew.

Q.—But you still continued to be a Minister ?

A.—That was because of two reasons. One was that the Governor thought that I was a very good tempered boy and that I ought to be there, and the other was that I went there to work the reforms. Therefore when he told me that he would be sorry to part with me and liked me to continue I said " All right. Let me have another trial."

Q.—You did not prefer to be a bad tempered boy ?

A.—I do not do it even to-day.

Q.—As regards the settlement of the budget do you think that your departments were unfairly treated considering the financial position of the Punjab ?

A.—There was a little preference for the nearer at home subjects.

Q.—On the other hand, we have been told from certain quarters that as a result of the reforms the transferred subjects fared rather better so far as finance was concerned ?

A.—In some cases they may have done in some places, but so far as my departments were concerned I do not think that I got money for co-operation, or money for roads, or money for tramways, or money for industrial education.

Q.—I want you to consider the transferred departments as a whole. I understand that the transferred departments budget increased by about 17 per cent and the reserved subjects budget did not increase at all.

A.—Possibly there was a little more money spent than in the past on education, but that was because the programme of spread of education—what they call quinquennial programme or something of that kind already existed before we really came on the scene.

Q.—As regards the bifurcation of the subjects you say that that has served no useful purpose. Can you suggest a better scheme of bifurcation ?

A.—Did I say that this particular system is defective ? I say that bifurcation itself—splitting up into two was bad.

Q.—No possible way of bifurcation ?

A.—I said, if there is no bifurcation the grouping would be better, the handling would be better—these are the reasons that I have given and I still adhere to that opinion.

Q.—When you found for instance that in several important matters you were not even consulted, let alone your advice being accepted, say for instance in the appointments and postings you were not even consulted, did you protest to the Governor ?

A.—I did.

Q.—And with what result ?

A.—With the result that the next time the Chief Secretary came round and said, " would you have so and so ? "

(*Mr. Chairman*).—*Q.*—You succeeded in your protest ?

A.—To that extent.

Q.—What were your relations with the services generally ?

A.—Very friendly but—

Q.—How many Imperial officers had you under you ?

A.—Innumerable, very difficult to count.

Q.—Say a 100 ?

A.—I should not say 100 unless you put the engineers, veterinary surgeons, veterinary professors, and agricultural professors and such like things. I have never classified them under Imperial and non-Imperial, But in those departments I had the same officers under me paralled to the other provinces.

Q.—Did they get on very well with you ? Was there any tendency to rebel against you ?

A.—Excepting in case of one or two from one and the same department there was no apparent tendency.

Q.—Did they try to get behind you when you disagreed with them and go to the Governor ?

A.—They did in one or two cases. Not behind but in front.

Q.—And they went ahead of you by going to the Governor ?

A.—They appealed, complained, took legal advice, and threatened me with the opinion of the Government of India and referring the matter to the Secretary of State and all that.

Q.—So you think that this position of the services being to a certain extent independent of the Ministers is almost intolerable ?

A.—It depends on your temper, but it is intolerable.

Q.—You talk about patronage. What do you think would be the best way ? Do you want to retain patronage or not ?

A.—Patronage cannot be taken away. All I want is that it should be in the Cabinet. For instance, the Minister of Agriculture is not in the same patronage group as the two members, and further the patronage of the Education Minister is not in the hands of the Minister of Agriculture and *vice versa*. If it is Cabinet Government practically the patronage becomes one. They stand or fall together. What we noticed was that the patronage in certain members had the pull over the man who had not the same amount of patronage.

Q.—But do you think that this possession of patronage by members of Government is desirable ?

A.—He cannot get out of it.

Q.—Supposing you have got, for instance, a Public Services Commission and all appointments were made by them under certain definite rules, do you think that it would be a more desirable state of things than it is at present ?

A.—In certain cases it would be, but there is a lot more which Government patronage includes.

Q.—At any rate as regards appointments the defects would disappear ?

A.—To some extent they would.

Q.—Do you think it desirable to abolish these defects by this means ?

A.—I should think so.

Q.—Another kind of patronage is in the administration of land revenue, and, as you say, irrigation ?

A.—And lots of other things.

Q.—And you had no finger in the pie at all ?

A.—I did not say that at all. I said my finger did not go deep enough.

Q.—One or two other things I want to ask you. You say you were in charge of the Industries Department. I suppose the purchase of stores at least for the transferred subjects was in your hands ?

A.—We had no separate department for the purchase of stores. We tried to create one but we did not succeed.

Q.—You had to purchase a large number of stores for your P. W. D.?

A.—They never came to me because before the reforms there was a good deal of what they called delegation, or devolution of power and as a matter of fact, so far as the Public Works Department is concerned, I had absolutely no patronage neither in the buying of stores nor of giving of contracts. All that I was concerned with was the transfers, leaves, and accounts.

Q.—And sanctioning of schemes?

A.—Yes, sanctioning or putting my initials to those things.

Q.—You were Minister of Industries. Did you take any steps to encourage Indian industries by means of the powers that you had in purchasing stores for the Public Works Department?

A.—I would not say I did not, because people will get at my throat, but as a matter of fact I did very little.

Q.—Did you observe that as a consequence of the transfer of certain departments the members of the Imperial Services began to take less interest in these transferred departments?

A.—I did not notice that. Whenever I went the Collector went with me to the School or the Veterinary Hospital.

Q.—On your initiative?

A.—Very likely he went before also because some of the budgets had to pass through his hands and the funds had to pass through his hands.

Q.—You were in charge of excise?

A.—Yes.

Q.—Did you receive proper help from the district officers in the administration of excise?

A.—A great deal more than I wanted. In the excise they kept a pretty tight hand on me.

Q.—As regards income-tax do you think that this department of income-tax, at least the administration of income-tax should be transferred to the provinces? You said so?

A.—Yes.

Q.—What is your object?

A.—The objects are two. One is that it should be realised by the taxpayer that both sections of the populace, urban and rural, are paying sufficient and just taxes.

Q.—That can be done by means of proper publicity?

A.—That is one object and the other is that the administration would be much better supervised, much better in touch with popular opinion than it is at present.

Q.—Would it also give a lever for exercising pressure occasionally of an illegal kind upon the people if the income-tax were in the hands of the Local Government?

A.—You mean to say that the members of the Assembly are less prone to that than members of Council?

Q.—If for instance income-tax administration was entirely in the hands of people who have also the Police administration in their hands?

A.—You mean that the Police will try to interfere in the income-tax administration, or the Ministers, or the members or the Collectors, or who ?

Q.—Suppose the officers of a district have to deal both with the Police administration and income-tax ?

A.—I did not say that. That is a greater detail. There may be a separate department altogether or may not be. But the department should be under the supervision or under the influence of the Local Legislature.

Q.—In the hands of the Revenue Member who also manages the land revenue ?

A.—Somebody will have to take it.

Q.—Should it be entirely independent in the hands of an independent member ?

A.—If the work is enough it should be independent. If it is not it will have to be grouped with some thing else. That will depend on provinces where the work is a great deal and where the work is small.

Sir Henry Moncrieff Smith.—*Q.*—In paragraph 2 of your memorandum you give the history of the first appointments of Ministers. Do you approve of the method adopted in the first instance for the selection of Ministers ?

A.—Very likely there was no other choice except to ask the members of the Council to select their leaders.

Q.—But if the Council, the parties, had been asked to select their leaders, the result would be much the same ?

A.—I said the council as a whole. I did not say the communities ought to have been asked to select, but if the communities had been asked, the result would have been the same very likely at the time.

Q.—Or you might possibly have had two Muhammadan Ministers ?

A.—Well, if that was the reference to select two, but if the reference was to select one—that would depend on the reference.

Q.—You said that you would like to abolish communal representation, and you think that if the special electorates are abolished, you will get elections carried out on party lines ?

A.—Yes.

Q.—Not on communal lines ?

A.—No.

Q.—You will get rid of communal lines ?

A.—Yes.

Q.—When your council, after a general election, is constituted, do you think then that it will separate itself up into party lines which are not communal lines ?

A.—If they go to the election on those lines, they will stick to them in the council.

Q.—What method would you adopt in the future for the selection of Ministers ?

A.—Well, the same method more or less which is in vogue in other countries—the party in power should have all the Ministers and more or less one man would be distinguished as the leader and then he will be consulted with regard to his colleague.

Q.—That is the system you would advocate provided the abolition of communal representation gets rid of the communal parties in the council ?

A.—I am quite sure that it would.

Q.—You are quite sure ?

A.—Yes.

Q.—You said just now in answer to a question ' assuming that the official bloc will go '. Do you advocate that the official bloc should disappear if you get responsible government in the provinces ?

A.—I think the two are contradistinction in terms, official bloc and responsible government.

Q.—But the official bloc is very small ?

A.—It is very small but still it is a nuisance.

(*Mr. Jinnah*).—*Q.*—It costs money also ?

A.—Yes.

Q.—Your colleague probably would not endorse what you said ?

A.—You mean Fazl-i-Hussain ?

Q.—Yes.

A.—For a time he might not, but if he gets more power, I think he would.

Q.—I do not quite remember whether you said there was very little consultation between you and your colleague, your co-Minister ?

A.—In the administration of our departments ; otherwise we met every day in the house, we walked together, we drove together, we were invited together ; and we held together.

Q.—But if there was a difficult matter in which your colleague was particularly interested, did he ever talk it over with you ?

A.—No ; of course casual talk on some things is different.

Q.—Now, coming to the Gurudwara business in the Punjab, that was your colleague's business ?

A.—The subject was in his charge.

Q.—Were you never consulted about that ?

A.—A good deal, not by him but by all ; not by him exclusively. Gurudwara business we discussed together many a time, at joint meetings, sometimes without the presence of the Governor sometimes 3 of us, sometimes 2 of us. That was at the delegation that was appointed by the Governor for the time being. Sometimes certain matter was referred to me.

Q.—It was an important problem in the Punjab which concerned your fellow-Minister, but you were not kept in the dark as to what was going on ? I mean the Gurudwara question.

A.—I do not think I was in the dark at all.

Q.—When Mian Fazl-i-Hussain came to Delhi, I forget when it was, sometime ago to discuss the matter with the Government of India and consult about the drafting of a Bill you accompanied him ?

A.—Yes. I was sleeping in your room while he was discussing.

Q.—Mr. Harkishan Lal, in paragraphs 11 and 12 you mention the restrictions on the financial and legislative powers of local governments and also the conflict of interest between the local Governments and the Government of India ?

A.—Yes, Sir.

Q.—I do not want to go into details.

A.—You know them, I suppose.

Q.—Some of these subjects to which you refer in these paragraphs were provincial transferred subjects. Were they not ?

A.—Yes, they were transferred subjects in certain aspects.

Q.—And as a minister for 3 years you must be familiar with the rule which restricts the power of superintendence, direction and control—which the Government of India has over transferred subjects ?

A.—Yes.

Q.—I am referring to Rule 49 of the Devolution Rules. Have you got that ?

A.—No. (A copy was handed to the witness).

Q.—Had you any complaints about the working of the rule during your time of office ?

A.—I have said in paragraph 12 that some conflict of interest was noticed in legislating about Tramways and Local Option. I did not say we were unfairly treated or we were put under pressure ; but as things stand you did your best and we did our best, but we were at different poles.

Q.—But you do not suggest that the Government of India in dealing with the question of Local Option and Tramways went beyond their powers ?

A.—I do not say that at all.

Q.—They did not go beyond the limited powers given to them ?

A.—That is the language I have used for that reason. I have only stated that there was some conflict of interest.

Q.—You advocate the transference of all subjects if you have full responsible government ?

A.—Unification of subjects.

Q.—Would you alter Rule 49 in that case ? Would you still preserve in the Government of India these limited powers of superintendence, direction and control ?

A.—With regard to (1) to safeguard the administration of central subjects, I would make the central subjects and the provincial subjects as far independent as possible. I would reclassify them, re-consider them ; for example, in certain cases legislation is with the Imperial

Council and the administration is with the provincial council. I would revise that, if possible. But after revision I will keep this rule ; certainly I will keep the rule to safeguard.

Q.—You would define much more strictly what are central subjects ?

A.—I would define a little more elaborately.

Q.—You realise that more definite delimitation would be a matter of some difficulty ?

A.—As time goes on we will be able to make better classifications. Some better classification is possible now because we have had experience of 4 years.

Q.—What about the other parts of the rule ?

A.—No. (2) is essential. If two provinces differ, some arbitrator must come in.

Q.—And part (3) ?

A.—Part (3) is rather a big question, but by the grant of responsible government, it will simplify itself. By the grant of responsible government, the Secretary of State's powers and the Government of India's powers would be reduced. Naturally then clause 3 will simplify and shorten itself.

Sir Tej Bahadur Sapru.—*Q.*—Lala Harkishan Lal, I suppose the underlying principle of the Lucknow compact which was accepted by the Hindus and Muhammadans in 1916 and subsequently acted upon by the Joint Parliamentary Committee was that minorities should be protected—that was the underlying principle ?

A.—Yes, that was the chief reason perhaps.

Q.—And that compact was arrived at at Lucknow as at that time when reforms were more or less in the air ?

A.—Yes, at the Lucknow Congress.

Q.—It was within a few months after that that the announcement of August 1917 was made in Parliament ?

A.—Yes.

Q.—Now, I take it that the principle which was adopted at the Congress was that in certain provinces Muhammadan representation should be in excess of their numerical strength ?

A.—That was the feature of the compact.

Q.—Another feature of it was that in certain other provinces where the Muhammadans were numerically larger they should get less representation because those who were responsible for that compact thought that at that time they were not qualified to exercise those privileges in proportion to their numbers ?

A.—I do not know that was the only excuse or reason.

Q.—Let me illustrate that view. Take, for instance, Bengal and the Punjab. In Bengal the Muhammadan population is about the same as Hindus, a little more (Mr. Jinnah—In Bengal 54 per cent. Muhammadans and in the Punjab 55 per cent). You remember that the Lucknow compact gave the Muhammadans in Bengal and in the Punjab less representation than they would be entitled to having regard to their numbers ?

A.—Yes, quite.

Q.—Similarly that compact gave the Muhammadans in the United Provinces, the Central Provinces, Madras and Bombay larger representation than they would be entitled to having regard to their numbers ?

A.—Yes.

Q.—Now, do I understand correctly the Muhammadan position in the Punjab that they are not satisfied with representation which is less than their numbers ?

A.—Some of them do say that. Some of them do say that they have not got what they are entitled to ; and I have heard said at the last League Conference that the Minister, Mian Fazl-i-Hussain, said that they had made greater sacrifice, in that respect than the Hindus had done.

Q.—Supposing that Lucknow Pact was departed from in the case of your province, what would be the result ? Will the Muhammadans get representation according to their number, namely, 55 per cent.

A.—If the rule enacted is that everybody should get his share according to the proportion of the population, then certainly the Muhammadans will get 55 per cent.

Q.—Taking matters as they stand, I take it that the Muhammadans, if the Lucknow Pact were to be departed from to-day, would be entitled to get in the proportion of 55 to 45.

A.—That is what I have said, if the rule is the rule of proportion.

Q.—I am proceeding on that assumption. Supposing that was done and the Muhammadans got representation to the extent of 55 per cent. do you think that the Hindus would oppose that in your own province ?

A.—I do not think they would.

Q.—If they would not oppose representation of the Muhammadans in proportion to their numbers, would the Hindus or the non-Muslim minorities claim any special protection ?

A.—I do not know whether they would claim protection or not. But I am not aware of any system of protection of minorities by numbers.

Q.—Would you in your own capacity as a Hindu and as a leading politician then advise the Hindus to claim protection ?

A.—Protection is not possible. So how can I advocate a thing which is not possible.

Q.—That is to say you would let the Hindus take the risk of being in a minority ?

A.—It cannot be avoided.

Q.—That is with regard to the proportional representation. Now as regards separate electorates. Supposing there was to be a joint electorate in your province and a certain number of seats were reserved for the Muhammadans and a certain number of seats were reserved for the Hindus, would your objection to communal representation still hold ?

A.—Mine would.

Q.—Now do you agree with me in thinking that if the Hindus and the Muhammadans had not come to a pact at Lucknow in 1916 there might have been serious difficulty in the way of getting even such reforms as we have got ?

A.—I think it was a very good resolution as far as the British Government was concerned at that time, because they were objecting on that ground and the ground was cut from under their feet.

Q.—Supposing the same objection was urged now in the case of further advance ?

A.—Some people might try to cut the ground from under their feet even now. From my point of view it would be a negation of responsible government.

(*Sir Muhammad Shafi*).—*Q.*—Was it not a negation of responsible government from your point of view in 1916 also, or have your views been changed since then ?

A.—My views have been the same. When you have to fight a common enemy, sometimes a compromise is justified.

Q.—If we are to accept your suggestion that the two communities combined at that time to deal the common enemy (I am using your own words) is there less justification now for combination or greater justification for separation ?

A.—I think the experience that is before us now is greater than it was at that time. That is the only thing that I can say.

Q.—I think you said in reply to a question put by the Maharaja Sahib that the feeling in the Punjab is so very strong about it that there are some friends of yours who would rather like to go back on the reforms than agree to the continuation of communal representation ?

A.—Yes, that is what I said.

Q.—May I take that these friends of your are Muhammadans or Hindus or both ?

A.—Both.

Q.—Now if it was put to you—and by you I mean the Punjabis and not you individually—that you will get the largest of an advance after the settlement of your differences with the Muhammadans or you will go back to the state which prevailed in 1919 and the rest of India would not wait for you, what would be your answer ?

A.—Personally, I would try to compose the differences in some form or the other but I do not know whether I will succeed.

Q.—I want to know what would be your answer. Are the inhabitants of the Punjab anxious to have a constitutional advance ?

A.—That is what I have always been getting the impression from everybody.

Q.—If they are anxious to have any advance, would they secure it by composing their differences or would they secure it by continuing these differences ?

A.—Whatever is more effective.

Q.—As a practical politician do you think that it is possible for you to secure any advance so long as these differences between the Hindus and the Muhammadans continue ?

A.—That depends on the reading of the mind of the English people.

Q.—I am not concerned with the mind of the English people. They probably know it much better than you and I. I am concerned with your mind. What do you, as a responsible Indian who has had considerable experience of public life, think ?

A.—I do not know whether they would be induced by me to give it without the communal representation. I take it, it practically depends upon their mind. If they put this obstacle in the way, certainly it would be worth considering whether we should submit to this obstacle or take it on any terms that they may be pleased to lay down.

Q.—Perhaps you and I are in complete agreement that on abstract principle communal representation cannot be supported by anyone. But we are talking here as practical politicians and I put it to you as to what has been your experience of the other provinces. Take, for instance, the United Provinces or Bombay or Madras where there has been separate representation so far as the working of the Councils is concerned. Do you think that the Hindus and the Muhammadans in those councils have divided themselves into hostile camps because of communal representation or do you think that such friction, as there was or might have been before, is very much less now ?

A.—I have not studied the working of other councils carefully.

Q.—Would you please let me know what is exactly the thing which divides the Hindus from the Muhammadans in the Punjab ? What is the nature of the dispute ?

A.—The nature of the dispute as put by the press is more or less appointments. But its origin goes back as far as the starting of the Congress.

Q.—I am talking of the dispute which has arisen now during the last two or three years ?

A.—It is due most to the writings in the newspapers regarding the distribution of appointments.

(*Sir Muhammad Shafi*).—*Q.*—Do you mean to say that the acute position that exists between the Hindus and the Muhammadans in the Punjab now, existed, say, six years ago to the same degree ?

A.—No.

Q.—You said that the impression that you gathered from the press of your province is that the dispute is mainly with regard to the loaves and the fishes ?

A.—Yes.

Q.—Will you tell me what are those appointments which create such disturbances in your province ? Are they the appointments of Naib Tahsildars, Sub-Registrarships or Sub-Inspectors of Police ?

A.—The dispute started with higher appointments.

Q.—What are those higher appointments ?

A.—Professorships in the colleges and also Assistant Professorships and the question of promotion to the Imperial Service and things of that sort.

Q.—Am I right in assuming that it is due mainly to the narrow view of the educated community of your province that this dispute has arisen ?

A.—I have no hesitation in agreeing with you that this dispute is due to the narrowmindedness of the educated people who do not see beyond their noses.

Q.—And the interests of the masses in the province are suffering because the educated classes are selfish enough to put their interests in the forefront ?

A.—I should endorse your opinion there.

Q.—Am I right in asuming that the feeling is accentuated by some of the disturbances in your provinces ?

A.—Yes.

Q.—Will you please tell the Committee whether there is a single man in your province who can rise above those narrow feelings or has anybody tried to put the proper point of view impartially between the educated classes. I should like to know very much if any effort has been made by a single literate Hindu or Muhammadan in this connection ?

A.—I think that an effort has been made but to a limited extent. Such an effort was made generally at the time when people like Mr. C. R. Das and Pandit Motilal Nehru came to compose the differences. In such meetings things have been explained to the educated people and efforts have been made to settle the differences. I cannot say that no effort has been made whatsoever but the efforts that have been made so far have not proved quite effective.

(*Sir Muhammad Shafi*).—*Q.*—Has any organised effort been made in the Punjab by Hindus and Muhammadans collectively ?

A.—I am not aware of that.

(*Sir Muhammad Shafi*).—*Q.*—You have given the Committee impression that subject to the removal of communal differences, you would like to have responsible government in the province ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Am I right in inferring that what the educated classes of your province understand by responsible government is a greater facility in appropriating certain appointments to themselves ?

A.—I do not think so. In my opinion the responsible government would mean better roads, more irrigation and smaller pay for the services.

(*Sir Muhammad Shafi*).—*Q.*—It would also mean larger appointments in the Irrigation Department, the Public Works Department and so on ?

A.—Not larger but fewer. It would mean fewer Europeans and more Indians and lesser pay. The total number of employees will be fewer in certain departments and larger in others. For instance, in the Education Department the total number will be larger because education has to spread. We want more education, more industries, more industrial development. We also want tramways, forests better managed and what is called perhaps a little look into the jails so on.

Q.—Would you please, as a practical industrialist, advise the younger men of your community, Hindus and Muhammadans, to take more Government appointments, or adopt independent careers ?

A.—I have done it for many years and have said that the salvation of the country is more agriculture and more industries.

Q.—Is it due to some peculiar mentality that there is so much fondness for office, high or petty ?

A.—I do not know whether it is peculiar ; it is a question of opportunities also. The Punjab has taken to education perhaps more than many other Provinces, and the system of education is such that the young man is really like an old monk kept in sanctuary without any outside light being thrown on him. The result is that he knows only the Government services.

Q.—That is to say education in the Punjab has bred a race of clerks ?

A.—I should think so.

(*Mr. Chairman*).—*Q.*—Some soldiers ?

A.—A few soldiers, but some Ministers also.

Q.—Perhaps in order to restore peace between the Hindus and Muhammadans, if you were the Minister in charge of education, the best thing you could do for your province would be to stop all education for five or ten years ?

A.—I do not think I would do that, but I would create other opportunities if I had the power.

Q.—Apart from the educated classes, are there any religious differences between the Hindus and the Muhammadans in the Punjab ?

A.—Sometimes, but very rarely.

Q.—Take for instance riots during the Muharram or on the occasion of sacrifices ?

A.—We are not free from that, but if you take the average of the population or the number of towns or villages or the question of years, it is insignificant, it is negligible.

Q.—Am I right in thinking that compared with the other provinces, the Hindus of your province are very much less orthodox as Hindus, am I right ?

A.—Perfectly.

Q.—Take for instance a man in an eastern district of the United Provinces, the Benares Division, and take any Hindu in the Punjab, of any portion of the Punjab, in matters of ordinary life, the Punjabi Hindu would associate much more freely with a Muhammadan or a non-Hindu ?

A.—I should put it that he approximates to Muhammadans more than any other Hindu does.

Q.—And yet the fact remains that there are differences ?

A.—Well you see sometimes the likes dislike each other.

Q.—And I suppose, as you have said just now, the main cause is about these appointments ?

A.—The present agitation that is going on has started with that.

(*Sir Muhammad Shafi*).—*Q.*—When did this dislike of the likes start ?

A.—About three or four years ago.

Q.—Have you given up all hopes of your province so far as this Hindu-Muhammadan question is concerned ?

A.—No.

Q.—You think there is a chance of better relations prevailing ?

A.—Quite.

Q.—Will you please tell the Committee whether your province is a province of big landholders ?

A.—No.

Q.—They are small proprietors ?

A.—Mostly.

Q.—As an agriculturist the Punjabi agriculturist is supposed to be a very superior type of man ?

A.—Yes.

Q.—Will you please tell the Committee what is the exact outlook of the Hindus and the Muhammadans respectively with regard to the Land Alienation Act ?

A.—With regard to the Land Alienation Act, the Muhammadan generally likes it. He thinks it is a good legislation. The Hindu agriculturist likes it ; and there are a few Muhammadans and there are Hindus in larger number who do not like it. It is not because of its principle, but because of its injudicious administration. The point is this that, under the rules framed, certain classes and certain castes have been designated as landholders and at a later stage after the passing of the Act, the definition of landowner was also changed to exclude certain castes, not because they never had land or not because they never went near the land, but because it was a policy of the Government to exclude them from further acquisitions of land. That of course the Hindu objects to. He thinks he is being very badly treated, and I am one of those because my ancestors have always lived on the land, and now with the little money I have got I cannot buy land.

Q.—Then am I to treat this dissatisfaction with regard to the administration of the Land Alienation Act as having anything of the communal character in its nature ?

A.—It looks sometimes as communal because the Muhammadans are in a majority, but it is not really communal.

Q.—You said you would like to abolish dyarchy and you are in favour of the unitary form of Government ?

A.—I would really abolish the co-archy and everything like that.

Q.—Supposing you were told that dyarchy would be abolished tomorrow and be substituted by the pre-reform Government because you Hindus and Muhammadans have not settled, what would be your feeling ?

A.—My feeling would be that we are very backward people and we are not being properly treated.

Q.—When you think of the abolition of dyarchy, I suppose you simultaneously think of it as a substitution of full responsible government in the provinces ?

A.—That is what has been before my mind. I read your resolution in the light of the announcement of August and the preamble of

the Act, and I really considered whether it was a substantial instalment or not ; and my feeling was that it was only a nominal instalment ; only a show ; hardly met the charges and the costs and the interest, and did not attempt to pay any part of the principle.

Q.—Now with regard to the Government of India, what suggestion would you make supposing full responsibility was established in the provinces, would it continue to be as it is ?

A.—It will have to be liberalised a great deal.

Q.—What do you mean by liberalising ?

A.—I mean the programme of the Liberal Party will have to be carried out at least.

Q.—You are in favour of it ?

A.—I want even more than the Liberal Party does.

Q.—Now as regards the franchise are you in favour of the franchise being given to women ?

A.—I am.

Q.—Would you allow women to sit in the Councils ?

A.—Yes.

Q.—You think if the franchise is extended to women, the women in your province would stand for election ?

A.—A few would.

(*Mr. Jinnah*).—*Q.*—May I ask one question in connection with this. Has any step been taken in your province to enfranchise women ?

A.—No, not yet.

(*Mr. Jinnah*).—*Q.*—Why not ?

A.—Perhaps people are busy with something else.

Q.—Would you please tell me what is exactly the position of the depressed classes in your province ? Is there any such thing as a problem of depressed classes such as there is in other parts of India ?

A.—If depressed classes mean economically depressed, three-fourths of the Punjab is depressed, *e.g.*, the Jullundur District, the Hoshiarpur District, etc.

Q.—I am talking of the depressed classes in the sense in which that phrase is used, the untouchables ?

A.—There are very few of them, and we touch them also.

Q.—Is there any strong orthodox feeling against them in your Province ?

A.—Very little.

Q.—That I suppose has been due mainly to the Muhammadan and Sikh influence in your Province ?

A.—Well it started from that ; but modern education has also done a great deal.

Sir Sivaswamy Aiyer.—*Q.*—You have declared yourself strongly against the system of communal representation ?

A.—Yes.

Q.—As a half-way house would you agree to the principle of a common electorate with a reservation of seats ? Don't you think it mitigates somewhat the evils you have in view ?

A.—My position is this, if that is a condition *sine qua non* of further advancement, I at least keep quiet.

Q.—That means you would agree to a system of a common electorate with a reservation of seats if it was a *sine qua non* for further advance ?

A.—That is what I have said.

Q.—You said that if the principle of representation in proportion to the numerical strength was adopted, the Hindus would not claim any protection ?

A.—I did not say that at all ; I said they cannot get protection. If once the principle is accepted that every one is to have representation in proportion to his number, what more protection is wanted.

Q.—The result of that would be that, as the province is divided into two well marked communities, with considerable differences, the Government would always be in the hands of a Muhammadan majority ?

A.—Yes.

Q.—The majority would be Muhammadans and all the Ministers would be taken out of the majority and they would all be Muhammadans ?

A.—Yes.

Q.—Do you think the Hindus who would be in a standing minority, would reconcile themselves to that position, or claim any protection ?

A.—They cannot claim protection if they accept the principle. The protection must be within the principle if you once accept the principle of numerical proportion.

Q.—From your point of view, if the principle of representation in accordance with the numbers of the community is adopted, the Hindus are not entitled to claim any other protection ?

A.—No.

Q.—But are people always governed by principle as a matter of practical politics ? Will there be any demand for further protection ?

A.—That means that the Hindus will not agree *ab initio* to the principle of numerical representation ? That is what your question amounts to.

Q.—Or if the principle of numerical representation were adopted, would they claim any protection ?

A.—In what way ?

Q.—By the adoption of some safeguard ?

A.—What are those safeguards ?

Q.—A certain proportion of the Ministry, or anything of that sort.

A.—The suggestion is that a certain number of Ministers should be Muhammadans and a certain number Hindus.

Q.—Do they ask for any such safeguard ?

A.—If they are intelligent they won't ask, because a Minister representing a minority and that minority in opposition is a meaningless phrase.

Q.—I agree that it is in theory an unsound principle, but I wish to know whether the Hindu minority would reconcile itself to it and face the consequences.

A.—My idea is that protection would lie in forming parties.

(*Sir Muhammad Shafi*).—*Q.*—You mean that in spite of communal representation under responsible government the progressives of both communities would form one party and the conservatives would form another party ?

A.—They would form some party or other, not necessarily conservative and progressive ; but they would split up into parties.

Q.—Do you think with your knowledge of recent tendencies that parties will be formed on other than communal lines, such as Muhammadans and Hindus ?

A.—I should think so.

Q.—And you think there is no necessity for any special protection of the Hindu minority ?

A.—I cannot conceive how they can be protected. If you tell me how they can be protected, then I will say whether they will lay claim to it or not.

Q.—Suppose that out of the Ministry a certain number were to be Hindus ?

A.—I have explained that that is an untenable position.

(*Dr. Paranjpye*).—*Q.*—Do you remember the condition in the Lucknow Pact that if three-fourths of the representatives of any community are against any particular measure, with reference to that community, that measure should not be carried out in the council ?

A.—That is the Congress rule.

(*Dr. Paranjpye*).—*Q.*—Do you think that would be a sufficient protection ?

A.—I suppose rules of that kind would come about by themselves.

(*Dr. Paranjpye*).—*Q.*—This is a possible protection for minorities ?

A.—Very possibly.

(*Dr. Paranjpye*).—*Q.*—I mean would you advocate the adoption of such a rule ?

A.—I for one would, as the least evil.

Q.—You said you had within the last few years somewhat bitter experience of manifestations of this communal spirit. Could you give us any illustration ?

A.—The newspapers—that is one, the chief one, and sometimes lectures on the platform.

Q.—Take for instance the sphere of education—you think there has been any tendency on the part of Muhammadans to be unjust or unfair to the claims of other communities, or is it merely that they claim more opportunities for themselves ?

A.—That of course is not a matter of opinion. What happened was that in one college the number of admissions were fixed. By fixing the number some people drew the inference that minorities were being excluded and the majority said "Instead of excluding them we are just wanting a bare representation" and so on. That is what happened actually—a certain proportion was fixed for admissions, in whatever light you like to take it.

Q.—Was it rightly fixed ?

A.—My opinion is that it ought not to have been fixed at all. My opinion is that admissions ought to have been given to the best boy fitted for the profession, and that is the policy I followed in my educational institutions. I had some institutions under me—the Veterinary, the Engineering, the Agricultural. I did not enact any rule in that sense.

Q.—In the matter of grants to educational institutions, has there been any unfair discrimination ?

A.—The rules have been changed ; at first the rule was first come first served ; now very likely the rule is communal distribution.

Q.—And does it work satisfactorily ?

A.—I have no experience of that. It is only a recent thing.

Q.—You have been referred to the Instrument of Instructions to Governors. You have been referred to paragraph 6 of that Instrument. Do you think that that paragraph is consistent with the spirit of the Reforms ?

A.—Well if it is read as enabling, certainly it represents the spirit of the reforms, but if read as restrictive then certainly it is not.

Q.—Don't you think the principle ought to be that the Governor ought to be guided and ought to follow the advice of the Minister unless he has reason to suppose that he does not reflect the opinion of the country or of the Council ?

A.—I agree with that principle generally, yes.

Q.—At present this paragraph is liable to misconstruction ?

A.—Yes, it can be read both ways.

Q.—So far as the transferred departments are concerned, don't you think the position of the Governor should be that of a constitutional Governor who should be guided by the opinion of the Minister except where he does not reflect public opinion ?

A.—Oh yes, quite.

Q.—With regard to the Finance Department you think that they interfere far too much with the other departments ?

A.—They have got a notion that they must have their finger in every pie.

Q.—According to your conception of the Finance Department they should examine proposals for expenditure solely from the financial point of view ?

A.—Quite so.

Q.—But in your experience has the Finance Department tried to overstep those limits or not, and have they or have they not taken upon themselves the task of criticising proposals on their merits ?

A.—Yes they have.

Q.—That has been your common experience, and you think they ought to be confined to their legitimate function of examining proposals purely from the financial side ?

A.—Yes.

Q.—With regard to appointments, what is the procedure in your Government ? Is there any separate department as in some provinces ?

A.—No.

Q.—The proposals for appointments in your department, do they go through you to the Governor or do they go direct to the Governor ?

A.—Sometimes they have been going through us, and sometimes direct.

Q.—That, of course, is wrong in your opinion ?

A.—Yes, I have said that.

Q.—And as regards appointments generally, what is your idea—that the Minister should make the appointment or that the patronage should be in the hands of the Governor or go through the Minister ?

A.—Well if you have reduced him to the position of a constitutional monarch, then of course it does not matter if the proposals go to him ; but as long as you have not reduced him to the position of a constitutional monarch, certainly he ought not to have more power.

Q.—He ought to maintain the position of a constitutional Governor with regard to the Appointments Department ?

A.—With regard to all departments.

Q.—But so long as dyarchy lasts ?

A.—Certainly with regard to transferred departments. I say certainly with regard to that ; but personally I think he ought to be reduced to the position of a constitutional monarch.

(*Mr. Jinnah*).—*Q.*—You mean raised to the position as a constitutional monarch ?

A.—Yes.

Q.—There has been no policy of joint consultation, or joint responsibility, at all in the Government ? Don't you think if a policy of joint consultation and collective responsibility between the Ministers had been enforced, and if the Government made it a rule that the Ministers must stick together or go out—don't you think that would have been more conductive to co-operation between the Ministers ?

A.—I do say the troubles would have been lessened. The question of more or less cooperation does not arise because the thing has been entirely absent.

Q.—At any rate, under the conditions I suggest there would have been some cooperation ?

A.—The whole thing would have been better and the present feeling in the Punjab which we have been talking about to-day would perhaps not have come into existence so much—perhaps not at all.

Q.—You say the Governor of a Province has now more powers than in pre-reform days—is that correct ?

A.—It is, in this sense—that if the Local Government has more power than before, the Governor who is the custodian of those powers, has also more power.

Q.—Hasn't some portion of that power been transferred to the Ministry ?

A.—We have just been discussing that the Ministers have no power.

Q.—That has been your experience ?

A.—I have sometimes used power, delegated power, by the good humour of the Governor or by rules.

Q.—Would you allow Secretaries to have any direct access to the Governor ?

A.—No, they ought to be secretaries to the Ministers and Members, not secretaries to the Governor.

(*Mr. Chairman*).—*Q.*—Personal servants to the Ministers ?

A.—I don't know what you mean by " personal ".

(*Mr. Chairman*).—*Q.*—I mean appointed and dismissible by the Ministers. I mean they would hold their appointment at the pleasure of the Minister.

A.—The appointment ought to be with the concurrence, at any rate, of the Minister ; and if it is left to the Minister, so much the better. You won't agree to that position ?

(*Mr. Chairman*).—I only wished to get it clear.

Q.—You said the Government of India has been going back a good deal. Of course you are not able to give any instances.

A.—I think you could do that better. That is the impression I have been getting from the speeches of gentlemen like you.

Q.—Do you mean that the Government of India do not carry out what they promise, or what is it ?

A.—Well, that is what you have been saying. That is what the members of the Legislature have been saying. My impression is taken from the speeches and the proceedings of the councils.

Q.—True, but do you mean they have not been carrying out their promises, or is it a deterioration in the administration ?

A.—I believe all that the members of the Assembly have been saying.

(*Sir Tej Bahadur Sapru*).—*Q.*—By all the members, do you mean both official and non-official ?

Q.—You object to the Railways and the Income-tax Department being administered by the Central Government ?

A.—Yes, I do.

Q.—But there are precedents for that—for instance in America, where the Federal Administration functions in certain matters.

A.—The illustration may be quite correct. But the question rests on two grounds, and whether those two grounds are valid or not. It does not depend on the question what other people do or do not.

Q.—I suppose you think that one result of the separation of the administration of income-tax might be for the administration to get out of touch with the local people ?

A.—Yes, and I used the word " irresponsible ". Reform really means that everbody is really responsible to somebody. Aat the present time

judging by the way in which Railways are administered and the collectorates of income-tax are administered, they seem to be responsible to nobody. That is what I want to avoid.

Q.—Not even to the Government of India ?

A.—In practice, they do not seem to be, though they may be in theory.

Sir Arthur Froom.—*Q.*—I understand you disapprove of communal representation in principle ?

A.—Yes.

Q.—And you would like to abolish it from the Punjab ?

A.—From all over.

Q.—You would like it to be abolished in all Provinces ?

A.—Yes.

Q.—You wish to be entirely consistent about it ?

A.—Yes.

Q.—You would apply the same to the Central Government ?

A.—Yes.

Q.—You will probably, for a very long time at least, have a Muhammadan majority in the Punjab and a Hindu majority in the Central Government ?

A.—Yes.

Q.—I think you told us that you have been 34 months in office as Minister.

A.—Yes.

Q.—And you were disappointed ?

A.—Do you mean with the treatment I received at the hands of the Governor ?

Q.—You had a general feeling of disappointment in your office ?

A.—I felt that I was really a square peg in a round hole.

Q.—Did you feel that you were doing no good at all ?

A.—I felt that.

Q.—Still you kept on in office ?

A.—I resigned several times.

Q.—You still kept on in office although you felt you were doing no good at all ?

A.—As I said, my relations with the Governor were on the basis of good humour and good temper.

Q.—You kept on for the social position ?

A.—I did a good deal of work.

Q.—Your work must have been good.

A.—Good or bad I don't know. Files came to me and I disposed of them all. I had to study them, travel about and do a lot of work.

Q.—Do you consider your work was non-effective ?

A.—It was not for the good of the country. It was just the ordinary routine work.

Q.—Do you consider that any progress has been made at all in the Punjab since 1921 towards awakening the interests of the people in political matters and Government generally ?

A.—Some progress certainly, but not to a very large extent.

Q.—The reformed Council must have helped to do this ?

A.—Not only that. We sometimes tried to come in contact with them. We were a better class of people than the former rulers.

Q.—Don't you think that some further progress might be made in the way of awakening the political interests of the people if you continue the present system for another few years ?

A.—As time passes, I think it would.

Q.—I think in answer to a question you gave your opinion or made a statement of fact that Europe was advancing towards democratic government ?

A.—Yes.

Q.—And you consider democratic Government is good for this country ?

A.—For the whole world.

Q.—You are not slavishly copying the West and applying it to the East ?

A.—There is no question of copying.

Q.—I take it from reading this memorandum of yours that you do not approve of dyarchy.

A.—Perfectly so.

Q.—Your constructive proposals are that there should be provincial autonomy in the Punjab ?

A.—Well, in other words, Dominion Government. You know the expression we generally use.

Q.—Which Dominion ?

A.—It does not matter whether it is Canada or Australia. We won't quarrel about it.

Q.—You don't think it will come yet ?

A.—I think it ought to. It is over-due. That is my view.

Q.—You would like to apply this further reformed Government at once—provincial autonomy in the Punjab ?

A.—I think it is over-due.

Q.—You think the people are ready for it ?

A.—Quite.

Q.—Although they have not taken very much interest in political matters ?

A.—I did not say that. I said that they are coming to know things better than they did before 1920.

Q.—I think in answer to a question—I am not sure whether it was by the President—you said that you did not see any reason for extending the franchise.

A.—I did not say that. On the contrary, I wanted adult franchise at once, both for men and women.

Q.—You want the franchise extended throughout the Punjab ?

A.—I want adult franchise, without regard to any sexual or communal or professional or educational restriction. There should be no disqualification.

Q.—You mean the ordinary man working in the fields should be entitled to vote ?

A.—The only condition that I attach to this suggestion is the management of elections. If the Government cannot manage elections on that scale, they can go on gradually. Otherwise, I want no restriction whatsoever.

Q.—That is very interesting. What is the total population of the Punjab ?

A.—Nearly about 20 millions.

Q.—Can you tell me the total of the electorate ? Can anybody tell me in round figures ?

(It was mentioned that it was 6,27,000.)

Q.—You say you cannot increase the franchise just now. With a population of 20 million and an electorate of 6,27,000 do you propose provincial autonomy for the Punjab ?

A.—I did not fix the franchise.

Q.—Would you call such a democratic government ?

A.—I wish it to be democratised.

Q.—You would rather wait before you can increase the franchise ?

A.—I want both things to be done simultaneously and at once.

Q.—We cannot do both at once.

A.—You can take a little time for doing it.

Q.—In your opinion, increase of franchise should come first ?

A.—Simultaneously ; that is the expression I used. I want both things to be done.

Q.—Supposing you cannot do them simultaneously ?

A.—Whatever you can do first.

The President then thanked the witness on behalf of the Committee when the witness withdrew.

The Committee then rose for the day.

Saturday, the 16th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. A. N. Surve, M.L.C., Bombay.

EXAMINED BY THE CHAIRMAN.

Q.—Mr. Surve, will you like to be examined publicly ?

A.—My hearing is rather defective. Therefore somebody should be made to repeat the questions. Otherwise, I will call my Secretary who may be made to repeat the questions put to me so that I can answer them.

(The Secretary of the witness was accordingly allowed to repeat the questions put to the witness).

(The Press also were allowed admission).

Q.—You are a member of the Bombay Legislative Council ?

A.—Yes.

Q.—From the beginning of the new scheme ?

A.—Yes.

Q.—Before that had you any experience in public life ?

A.—Not in a very large sense because I was working only in the interests of my community.

Q.—Were you a member of the Local Boards or Municipalities or bodies of that sort ?

A.—No. I am a resident of Bombay city and there are no Local Boards there. I was not a member of the Municipal Corporation.

Q.—You take a strong view of communal representation ?

A.—Yes, I support it.

Q.—You feel it is necessary in the interests of your community ?

A.—In the interests of my community it is not exactly necessary but some protection is needed.

Q.—You say in your note it is essential ?

A.—For a few years it is essential.

Q.—Would you allow it to anybody else but your own community ?

A.—Yes.

Q.—To the Muhammadans ?

A.—Yes.

Q.—You think that is necessary in the Bombay Presidency ?

A.—It is necessary not only for the Muhammadans but also for the Europeans. They are actually enjoying it at present.

Q.—And you think it is necessary for all minorities ?

A.—Yes.

Q.—I see you consider that the time has not yet come for the complete transfer of departments ?

A.—Yes.

Q.—You would retain at least the Police and Finance ?

A.—Yes.

Q.—But you would transfer land revenue ?

A.—Yes.

Q.—Are you a landholder yourself ?

A.—I am not a landholder. I have got a small piece in my native place.

Q.—Would you say that you belong to the agricultural classes ?

A.—Personally, I do not pursue that occupation, but my relatives and all my community people do it.

Q.—You see no danger of the transfer of land revenue ?

A.—I do not see any.

Q.—Although you are of the view that communal representation is necessary, yet you are prepared to hand over land revenue under those conditions ?

A.—Yes.

Sir Muhammad Shafi.—*Q.*—In connection with the question of communal representation I understand your position to be that in carrying out the pledge embodied in the preamble to the Government of India Act Parliament should bear in mind the necessity of granting to India not only responsible but also representative government ?

A.—I support the preamble.

Q.—Yes, but should the future Government be only responsible or also representative Government, a Government representing all interests ?

A.—I do not see what is meant by future Government ?

Q.—When responsible Government is granted to India would you be content with that, or would you require that Government to be representative of all interests in the country ?

A.—I would certainly require representative Government.

Q.—Representative of all interests in the country ?

A.—Yes.

Sir Tej Bahadur Sapru.—*Q.*—Throughout your memorandum you use the words backward communities. Have you used that expression in contradistinction to depressed communities ?

A.—I include the depressed classes among the backward classes.

Q.—Among the backward classes you have included Jains. I should have thought that the Jains were far from backward. They are very progressive people and they are doing very well in commerce and trade. Do you seriously maintain that the Jains are among the backward communities ?

A.—The Jains in the southern division, though they may be very prosperous in trade, are educationally not very advanced and if I have insulted them by using the word backward I am really very sorry, but I am not of that opinion.

Q.—Take for instance the Marwaris. Educationally they are nothing compared to you and me, but in the riches of the world they will beat any one of us here ?

A.—Riches was not the point which I had in my view. A person may be very rich, but for political advancement I base my view on the progress of education. If they are educated they will be in a better position to administer their country than simply as rich men.

Q.—Then I take it that the principle that you have adopted in drawing up your memorandum is that communities which are not sufficiently educated require protection ?

A.—Yes.

Q.—It is not based on any religious considerations ?

A.—No. I have not given any importance to that point.

Q.—Now, what is exactly the position in the Bombay Presidency of the Lingayats ? Will you please explain it to the Committee ?

A.—Lingayats, as far as my knowledge of them goes, are confined only to the southern division and there too in a few districts—not all of the districts of the southern division.

Q.—What do you think is the numerical strength of the Lingayats in the southern division ?

A.—I have not studied the point in that respect. I do not know their exact number.

Q.—Am I wrong in assuming that among the Lingayats too there have been graduates and under-graduates ?

A.—There are.

Q.—Quite a number of them ?

A.—Not a number of them, but there are a few.

Q.—And there are millowners too among the Lingayats ?

A.—There may be, but I do not know about it.

Q.—Then so far as the Lingayats are concerned, what are the religious disabilities from which they suffer so far as the general Hindu community is concerned ? Are there any religious disabilities which have been imposed on them ?

A.—I have no personal information about them, but in the papers I have read that the Lingayats have some religious differences. The other people do not allow them to practise the precepts of their religion according to their own fashion.

Q.—Am I right in assuming that the Lingayats are generally what are known as Sivaites ?

A.—I think they are.

Q.—They are Sivaites ?

A.—Yes.

Q.—And principally their differences in regard to rituals are with reference to the Vaishanavites ?

A.—Yes.

Q.—That is all ?

A.—Well, there are religious differences, and Vaishanavites and Sivaites are religious sets which are quite at variance with each other.

Q.—In regard to rituals and mode of worship ?

A.—Yes.

Q.—Similarly, there are differences of religious worship and rituals between the Hindus and Jains ?

A.—Yes.

Q.—But as regards the Hindus and Jains are you aware that intermarriages do take place between them and have always taken place ?

A.—The idea of reform is spreading.

Q.—I am only trying to find out the position with reference to the general community.

A.—I have not been aware of any intermarriage.

Q.—You are a practising lawyer ?

A.—Yes.

Q.—Are you aware of any decisions of the Bombay High Court where such marriages have been upheld ? The Bombay High Court are very strongly committed to that view, that marriages between Jains and Hindus are perfectly valid ?

A.—They may be valid. That is the High Court's decision. But the question is whether the community at large follows that particular kind of marriage—that is the point. Among the Brahmins they have intermarried with European ladies. Because there are exceptions you cannot say that that exception must be made applicable to the whole community at large.

Q.—Take, for instance, the Jain Agarwals, or Oswals, and Agarwals and Oswals who are not Jains. Is there anything in the law or in practice to prevent a Jain Agarwal or Oswal marrying a non-Jain Agarwal or Oswal ?

A.—I do not know all the particulars of these communities.

Q.—What is exactly the position of the depressed classes in your part of the Bombay Presidency ? Who are the people whom you look upon as depressed classes ?

A.—Well, there are several sub-sections, such as the Mahars, the Chamars, and Bhangis there are many—but I think the Mahars form the largest community in the Bombay Presidency. As far as their education is concerned, since the reformed councils we have made some progress. The Government has issued a circular that if any school does not admit a student belonging to the depressed classes, that fact will be taken as sufficient ground to take off the grant. Similarly, a resolution was passed in the Bombay Legislative Council whereby the wells and springs are thrown open simply as a matter of a resolution—to the depressed classes. That resolution applies only to those wells and springs which are maintained at the expense of the Government or local bodies.

Q.—You said that the Government has issued a circular removing some of these disabilities ?

A.—Yes.

Q.—Which part of the Government ? The reserved half or the transferred half ?

A.—I should think the transferred half. My friend, Dr. Paranjpye was instrumental in doing that.

Q.—When this resolution which you have just referred to was moved in the Legislative Council, was there any opposition on the part of the orthodox members to that resolution ?

A.—Oh, yes.

Q.—How many ?

A.—Many speakers spoke against it and the resolution as it was drafted was very wide. I suggested an amendment by which its operation was restricted and Government accepted that amendment.

Q.—And then what was the attitude of the other non-official members to your amendment ?

A.—When it was accepted by the Minister representing Local Self-Government they did not press their objection.

Q.—You are satisfied that some progress is being made with regard to these backward communities in regard to education ?

A.—Yes.

Q.—And do you look forward to further progress in the near future ?

A.—Yes. We have actually adopted several measures.

Q.—Are there any private agencies working for the amelioration of the depressed classes in the Bombay Presidency ?

A.—There are.

Q.—Will you kindly give us their names ?

A.—The Depressed Classes Mission. The All-India Depressed Classes Mission is one. It has its headquarters at Poona.

Q.—Who is running the Depressed Classes Mission ?

A.—I think it is run by public contributions. But the Maharaja of Gwalior has given a large donation.

Q.—You mean the Maharaja of Indore ?

A.—Yes, Indore. Some Maharaja has given a large donation, and there are other institutions which are run by the members of the community themselves.

Q.—Do you agree with me in saying that there is some awakening of public conscience in regard to this matter in the Bombay Presidency ?

A.—Yes.

Q.—And there is no desire either to shut your eyes to it or to minimise the danger ?

A.—I have not perfectly understood your question.

Q.—Is there any desire on the part of the Hindu community at large to shut their eyes to the problem or to minimise the seriousness of it ?

A.—Well, the general public do not oppose it. But let me explain this. Take, for instance, the resolution regarding the wells and springs which we have passed in the council. Now, that resolution has been sent to the local bodies, that is, the Municipalities and local boards in the districts, and the Municipalities and local boards have been raising a lot of objections. So that resolution, though we have passed it in the council, has not yet come into force. So I cannot say that the public do not oppose the legitimate demands of the depressed classes ; if they can they will certainly oppose them.

Q.—How many representatives of your community have you got in the council ?

A.—Do you mean the Mahratta community ?

Q.—I am talking of the backward communities that you mentioned in your note, Mahratta and the allied castes.

A.—If you take the strict definition like that, the members are very few ; they are not more than 10 or so.

Q.—Have you got any Minister in the Bombay council representing these castes ?

A.—At present a member of the Mahratta and the allied castes is holding the office of Minister of Education.

Q.—Mr. Jatkar you mean ?

A.—Mr. Jadhav.

Q.—Have you brought to the notice of the Minister that the local boards and municipalities have not given effect to that resolution ?

A.—It does not fall in his province, because he is the Minister of Education.

Q.—Then who is the Minister in charge ?

A.—The Minister in charge of Local Self-Government, is Khan Bahadur Ghulam Hussain Hidayatullah.

Q.—He is a Muhammadan ?

A.—Yes.

Q.—Therefore he should be absolutely impartial in regard to this matter ?

A.—Yes.

Q.—Have you brought it to his notice ?

A.—We have been asking him questions and the matter is still under consideration and correspondence.

Sir Arthur Froom.—*Q.*—Mr. Surve, what is your opinion of dyarchy shortly ?

A.—If I am to answer that question with regard to my own province, I think that dyarchy has on the whole worked satisfactorily. If you want I can give you my reasons.

Q.—That will do, thank you. You remember the party of Non-co-operators which was formed say in the beginning of 1920. Would you consider that among that party there were many men of position and ability ?

A.—Yes, I do admit it.

Q.—And then afterwards there was a split and another party was formed called the Swarajist Party which entered into the present councils. That is correct ?

A.—Yes.

Q.—Would you consider that there are many men of good position and ability in the Swarajist party ?

A.—Answering your question from the present composition of the Bombay Council I will say that among the Swarajists there are some who are educationally very advanced and of good position. But there are others who possess neither of these qualifications.

Q.—Do you consider that dyarchy in Bombay has had all the fair trial which it should have had ?

A.—Since the Non-co-operation party has not tried it, I cannot say that all shades of opinion have tried dyarchy. But those who are Co-operators have tried it and from that point of view, I can say that there was some trial given to it.

Q.—My point is during the first Legislature of Bombay under the reforms a number of men of ability and education and political education stood aside.

A.—Educated men belonging to the non-co-operation section were out. But other members—take for instance the Liberals and among them there are many educated people, many people having good stake in the country, they were in the council. They have given it a fair trial.

Q.—Then in the present council the Swarajist party would not accept any office. Is that correct ?

A.—At the outset it was so, and from the reports I have read in the papers about their proceedings they had started with the expression that they would not accept any office ; but at present I have been finding that they have been accepting office in some matters. Take for instance the appointment of members to the Railway Board. All the members who are appointed are from that party.

Q.—Which Railway Board you mean ? The Local Railway Advisory Council ?

A.—Advisory committees.

Q.—Of both the big railways ?

A.—Yes of three railways. Again in some of the Select Committees they have gone in and also in other committees appointed by Government.

Q.—They have served on some Select Committees ?

A.—Select Committees on Bills.

Q.—Do you gather from that that perhaps the Swarajist party have come to the conclusion that as an intermediary stage dyarchy may not be so bad after all ?

A.—I cannot say what their attitude is, but judging from the softening I think they might in the Bombay Presidency consent to give it a trial. That is my view. I do not know anything about their attitude on the question.

Q.—I put it to you that by virtue of these Non-co-operators in the first legislature and then the position which Swarajists took up at first in the second legislature by not accepting office, I put it to you that dyarchy may be considered not to have had as fair a trial as it could be wished for ?

A.—I have not understood you.

Q.—At the time of the first council there were Non-co-operators ?

A.—Yes, there were Co-operators in the first council.

Q.—A number of men of education classed themselves as Non-co-operators and did not come into the first council ?

A.—Yes.

Q.—In the second council there was the Swarajist party who at the start refused to take any office ?

A.—Yes.

Q.—Do you consider that I should be right in forming the opinion that from these two causes dyarchy has not had the fair trial that it might have had ?

A.—Yes.

Q.—Then I understand that as an intermediary stage, Mr. Surve, you are not altogether opposed to dyarchy as an intermediary stage ?

A.—I am not opposed to it.

Q.—And you are opposed to entire provincial autonomy being given at the present time ?

A.—Yes.

Sir Sivaswamy Aiyer.—*Q.*—Mr. Surve, you represent the Maratha and other allied castes ?

A.—Yes.

Q.—May I know what the other castes are ?

A.—There is a long list of them. There are the Marathas, Bhandari, Agri and other castes.

Q.—How many castes are there allied to the Marathas ?

A.—I can give you the exact list if you want.

Q.—How many are there ?

A.—There are about 31 castes. (After reference to record).

Q. Will you let me have a look at it ?

A.—Yes. Maratha means a person belonging to any of the following castes. (The book was handed to Sir Sivaswamy Aiyer).

Q.—How many seats are allotted to these castes ?

A.—7.

Q.—And your definition of a backward community is one which is backward in education ?

A.—Yes.

Q.—It does not mean untouchable ?

A.—No.

Q.—It does not mean depressed ?

A.—It does not.

Q.—No depressed classes are included in the term Maratha ?

A.—No.

Q.—All these various castes which are included in the term Maratha, are they all equally advanced in education ?

A.—No.

Q.—Do you think that the principle of communal representation has been carried sufficiently far or do you think that the less educated castes in your community require separate representation ? Some are more educated ; some are less educated in these Maratha and other allied castes. Don't you think that there should be separate representation for these less educated castes according to your principle ?

A.—The thing is like this. Among the term Maratha and the allied castes these castes are not at variance with each other and the percentage of literacy among them is so low as 3.6 per cent. as against 15.6 of the advanced Hindus.

Q.—Do they inter-marry ?

A.—Not all. They do not inter-marry.

Q.—There are less educated castes among the Mahrattas ?

A.—Yes.

Q.—Do you think that they require separate representation to safeguard their interests as against the more educated castes among you ?

A.—No.

Q.—Why ?

A.—Because these castes are not at variance. They consider that they are more or less on the same level ; and therefore as regards their educational facilities if one class gets them, automatically the others also get them ; and if you extend the principle of reservation of seats to the less educated, then no practical good would be achieved out of it, because there are only 7 seats. At present there are not many men who are sufficiently educated among them who can come in.

Q.—Don't you think that the members of those castes should be represented by members of their own communities ? Would you deny separate representation to them on the ground that they have not sufficiently educated men to send in as representatives ?

A.—I do not deny them anything. I have already told you that their number is not quite so large as to entitle them to separate representation. Besides whatever is obtained in the name of the backward classes is naturally shared by them.

Q.—You think that the principle of reservation of seats leads to healthy rivalry between the different castes. Will it not promote healthy rivalry if the various castes included in this group had a separate representation ?

A.—The reserved seats are only 7 and there are, I think, nearly hundred castes in the backward communities. So, how can you divide these 7 seats into hundred castes. That is one reason for not giving separate representation. The second reason is that some of these castes are numerically very small. The third reason is that amongst the numerically small castes there are not persons of sufficient education. For these reasons you cannot say that these castes which are not enumerated here should have reservation of seats. There is another thing. The Government has already the discretion to add any number of castes to this list. So, if there is any other community which requires to be included among the Mahratta and allied castes, they can apply to the Government and get themselves included in that list. I think it was only in the last January or thereabouts that one caste known as Agri or Agale was added to that list.

Q.—In the last Council and the present Council, by members of which caste was this group represented ?

A.—Through the general electorate

Q.—So far as these reserved seats are concerned, were they represented by the Mahrattas or by any of the other castes ?

A.—They were represented by other castes also. I am not a Mahratta myself. I am a Bhandari.

Q.—You think that there must be a limit to the logical application of the principle of communal representation ?

A.—Yes, there must be.

Q.—You reach a stage when it becomes impracticable. Another reason is that the interests of the less educated are safe in the hands of the better educated. Speaking for your group, I think I am right in assuming that the interests of the less educated are safe in the hands of the better educated and it is impracticable to give communal representation to everyone of them. Are not those your two grounds ?

A.—Yes.

Q.—You say that the advanced communities have not dealt fairly with the backward communities ?

A.—Yes.

Q.—Whom do you class under the term " advanced communities " ?

A.—Those who are educationally advanced. For instance, the Brahmins and the Kayasthas.

Q.—Are there many Kayasthas in your province ?

A.—Yes ; they are called Prabhus.

Q.—Who are the other castes ?

A.—Saraswats.

Q.—You call these the advanced communities ?

A.—Yes.

Q.—You state in your Memorandum that had the advanced communities dealt fairly with the masses, the illiteracy and backwardness that is evident through the length and breadth of the presidency would have become conspicuous by its absence several generations ago.

A.—Yes.

Q.—Were the members of the advanced communities in a position to advance the education of the backward classes, or were they responsible for it, or were they in power to do so ?

A.—Had they thought or had they wished, they could have helped us in our advance. I can give you a concrete instance. The Local Boards have been in existence for many years. But the schools which are maintained by them are generally found in those places where the Brahmin caste is predominant, that is where there are more inhabitants belonging to that caste. Whereas in other villages, though their population may be much larger, if the Brahmin element is absent you will not find any school.

Q.—Have the advanced communities ever opposed the amelioration of the backward communities or their education ?

A.—They have not openly done so.

Q.—Is there anything to show that they have covertly done so ?

A.—Yes. All these officers, who had the authority of opening schools in the villages, were all Brahmins.

Q.—Till the introduction of the Reforms it was the Government that was responsible for the well being of all the classes ?

A.—Yes.

Q.—Then whose fault is it that the backward classes have not made sufficient progress in education ? Is it the fault of the Government or the fault of the people who had no share in the Government ?

A.—My argument is that if the advanced communities have worked in their self-interest they could have as well worked in the interests of the persons who were not quite so favourably situated.

Q.—But the advanced communities had no power ?

A.—How can it be ? They had the power which they used in the advancement of their own interests.

Q.—You say that the advanced communities have monopolised the Government appointments and so on in the public service ?

A.—Yes.

Q.—Does that not to some extent depend upon education itself ?

A.—It does depend upon education. But my answer to your objection is that even among the backward classes at present there are men of sufficient education. My experience has been that if there are two persons holding similar educational qualifications, it is always the Brahmin who gets the appointment and the Non-Brahmin is left out.

Q.—Do you mean to say that, though the educational qualifications are similar, a member of the backward community is passed over in favour of the advanced community ?

A.—That is what I say.

Q.—Is it not directly contrary to the policy of the Government which has been followed hitherto ?

A.—The Government have laid down their policy that there should be an admixture of castes ; but in practice all these Government orders remain on paper. I can give you a concrete instance. Since the year 1923 in one of the departments of the Secretariat 29 vacancies occurred, out of which about 22 were given to Brahmins and 7 to the members of other castes. This was the answer given to me by the Government in the last session.

Q.—Taking the fact that the number of the educated men in one community is much larger than the number of educated men in another community, would that not to some extent determine the proportions in which the appointments have been given ? Would it not have a bearing upon that question ?

A.—If the Reforms were not introduced, the members of the backward communities would have remained in the same old condition. During the past several years, even before the Reforms, there has been some progress in education even among the backward communities and our contention is that as compared with their numerical strength the Brahmin community outnumber very greatly the backward communities in the public services. We had therefore even moved several resolutions in the last Council recommending that until the balance is restored there should be no further recruitment from the advanced classes but that it should be confined to the backward classes. That Resolution was not accepted by the Government and it was also defeated. That is however another matter. Our contention is that in order to have a fair admixture in the public services the Brahmins should not be recruited for a few years to come.

Q.—Do you want men of your community to be recruited irrespective of their educational qualifications ?

A.—No. On the other hand, people having better qualifications than the Brahmins have been shut out in the past.

Q.—Are there any instances of that kind ?

A.—Yes, there are.

Q.—Has there been any opposition on the part of the Legislative Councils after the Reforms to the amelioration of your community ?

A.—When we moved our Resolution in the Legislative Council, there were certain gentlemen who objected to it on the ground of inefficiency.

Q.—Was it opposed ?

A.—It was opposed.

Q.—On what ground ?

A.—On the ground of inefficiency.

Q.—Not on the ground of community ?

A.—No.

Q.—And in your opinion that ground of inefficiency is unfounded ?

A.—Yes, it is unfounded.

Q.—Do you think if the principle of joint responsibility had been enforced upon the Ministers, it would have promoted party organisation ?

A.—I think so.

Q.—You say in one part of your supplementary memorandum that compulsory retention in provincial employment of men belonging to the all-India services is a heavy drain on the Provincial treasury and needs satisfactory solution at an early date. I suppose you would turn them all out ?

A.—Not in the least ; what my meaning in that paragraph is that under the arrangement with the Central Government, it is compulsory upon us to maintain a fixed number in our service whether we require them or not. Because that arrangement is there, we must find work for them. My meaning is that there is no real necessity for so many of them. We must have the option of representing to the Government of India that we do not require the services of some of these gentlemen, and that they should be recalled and sent to some other services.

Q.—Are you in favour of employing some all-India service men in the Province ?

A.—I am in favour of employing only as many as are really needed. My point is that some supernumerary men are employed and we have to pay for them.

Q.—Is it in any particular service or in all the services ?

A.—In all the services, but especially in the I. C. S. Even in other grades we have men that we do not want. I can give you one particular instance. We have in Bombay the Veterinary College. There the two gentlemen, the Principal and his assistant get something more than Rs. 25,000 per annum, whereas the other staff gets, I think, even less than that.

Q.—Do you complain of the Meston settlement ?

A.—Yes, I do.

Dr. Paranjpye.—*Q.*—You belong to the Bhandari caste ?

A.—Yes.

Q.—Are people of your caste able freely to inter-marry with Mahrattas ?

A.—No.

Q.—Not even inter-dine ?

A.—Yes.

Q.—Do you think there is any logical foundation for this classification of non-Brahmins ?

A.—Personally I don't, because the term non-Brahmin includes even Christians, Parsees, Jews.

Q.—Leaving aside these, is there anything which is common to all these castes as opposed to Brahmins ? Taking all these castes you have mentioned, are the differences between these castes and the Brahmins greater than the differences between some pairs of these castes ?

A.—In that way I can say that all the 31 castes mentioned are subject to Brahminical influence. That is the common factor among all.

Q.—But don't you think there are great internal jealousies and rivalries between these various castes themselves ?

A.—You mean the Maharattas are opposed to Bhandaris ? I am not aware of that.

Q.—Do you think in your various non-Brahmin organisations the Mahrattas are generally against including members of other castes ?

A.—I am not aware of that. On the other hand there is the Deccan Rayat Association and the Non-Brahmin League, which includes all the non-Brahmin Maharatti speaking people.

Q.—I would like you to consider the last election for the Central Division for the Legislative Assembly. You have said in your supplementary memorandum that there were two candidates from the backward classes. On what ground was one candidate, who was a member of the last Assembly, opposed by another candidate ?

A.—I do not think the communal question could have entered into his head. Every person has a right to come forward as a candidate. Simply because a Mahratta and a Shimpi came there together, that does not mean there is jealousy between the Shimpi and the Mahratta castes.

Q.—I suppose you read several of the non-Brahmin papers ?

A.—I do not read them all ; some I do.

Q.—Have you not ever observed one candidate being opposed because he is not a Mahratta ?

A.—I have not heard about it.

Q.—But at any rate you admit that of the two candidates who stood for the Legislative Assembly from your Non-Brahmin allied classes, one was a Mahratta and the other was a Shimpi, and because these two candidates opposed each other and divided their votes, neither of them was able to be returned ?

A.—That was not the only thing ; their organisation may have been faulty.

Q.—The candidate who was accepted for the Legislative Assembly secured votes which were far less than the sum of the votes secured by these two together ? If one of these candidates had stood out, you would have been able to get a representative in the Assembly ?

A.—We might have, but I say if both had organised their electioneering campaigns on a better footing, both might have come in.

Q.—Don't you think that in the electorates these communities have a vast majority of voters ?

A.—I think in some of the districts the Mahrattas and allied castes far outnumber the other castes.

Q.—What is the attitude of the Mahrattas and allied classes towards the depressed communities ?

(*Mr. Chairman*).—*Q.*—Backward classes ?

A.—It is very sympathetic.

Q.—Have you had occasion to read, at least occasionally, a paper called *The Mukanayak* ?

A.—Yes ; its issue is stopped at present.

Q.—During the last three years you have had occasion to read it ? Who is the Editor ?

A.—Mr. Gholap.

Q.—To what class does he belong ?

A.—Mahar.

Q.—Have you seen in the *Mukanayak* examples in which the depressed classes suffered as great injuries from the Patels as from the Kulkarnis ?

A.—He used to supply some instances, but those instances may have been the result of individual attitude of the particular person.

Q.—But at any rate, so far as the depressed classes were concerned, the *Mukanayak* at any rate considered the attitude of the Kulkarni, who is generally a Brahmin, and that of the Patel, who is a Mahratta, as practically the same ?

A.—What I said is that he used to collect instances and publish them. From those instances you cannot infer that the whole Mahratta community was against the depressed classes.

Q.—From that point of view you cannot make any inference about the Brahmin attitude towards the depressed classes ? If you cannot make an inference from a number of instances in one case, you cannot make an inference from a number of instances in another case. Therefore if the Brahmin attitude is supposed to be unfavourable, you must also conclude that the attitude of the other class is unfavourable ?

A.—It is not unfavourable because we of the Mahratta and allied classes generally treat these classes very sympathetically. Besides Brahmins number only about 4 per cent. of the entire population and yet the instances cited about their oppression far outnumbered the instances of Marathas who number about 50 per cent. of the total population.

Q.—You referred to a resolution passed in the last Legislative Council about the admission of the depressed classes to all public conveniences like wells and schools and so on. You said that was opposed ?

A.—Yes, it was opposed.

Q.—It was opposed on what grounds and by whom ?

A.—On the grounds that the habits and ideas of the community at large had not sufficiently advanced.

Q.—Do you remember one of the most effective speeches made against that Resolution was by a Marwari Member ?

A.—Yes, Mr. Rupchand Motiram.

Q.—He had no taint of Brahminism in him ?

A.—He was practically, I think, giving expression to ideas which were current among the people where he lived.

Q.—So you think anybody who opposed it was really put up by Brahmins ?

A.—No, I never said so.

Q.—You said he was putting forward ideas which were current. You cannot attribute these ideas only to the Brahmins, can you ?

A.—No. But we treat the depressed classes sympathetically.

(*Mr. Chairman*).—The witness has answered the question put to him.

A.—Yes.

Q.—The backward classes do not say that we should do away with untouchability ?

A.—So far as current ideas go ; but we do say that their natural rights should not be overlooked. Now, for instance, there is the case of a public well. A Brahmin as well as a member of the depressed community pays taxes and cesses ; therefore if one community has the right to draw water, so should the other.

Q.—I quite understand that position, but is that position accepted by all the members of your castes and acted up to, or is the opposition only on the part of Brahmins ?

A.—It is not only on the part of Brahmins.

Q.—Do you remember when this Resolution was sent to various local bodies, several of the non-Brahmin members of those local bodies opposed that Resolution ?

A.—I am not aware of that.

Q.—Have you heard of the instance of the Karad Municipality ?

A.—I have not.

Q.—Will you take it from me that when a Resolution was moved most of the Non-Brahmins opposed it, and it was moved by a Brahmin ?

A.—I do not know that but if you say so I accept it.

Q.—Do you remember the case in the Poona Municipality ?

A.—I have some faint idea of having read about it in the papers.

Q.—Who was the man who moved it ?

A.—Mr. Bhopatkar.

Q.—He was a Brahmin ?

A.—Yes.

Q.—And it was opposed by ?

A.—By the general members.

Q.—Not necessarily by the Brahmin members ?

A.—No.

Q.—Now what are the communities that are included in the depressed classes—Mahars, Chamars, Mangs, etc., etc. ?

A.—Yes.

Q.—You know that there has been during the last few years a few depressed classes hostels opened for secondary schools students of these classes ?

A.—I do know.

Q.—And that there have arisen difficulties in these hostels in the way of management ? Can you give us some account of those difficulties ?

A.—I think the Mahars and Mangs raised the distinction that one was superior to the other.

Q.—The point I wish to emphasise is that even among these depressed classes caste distinctions are very strong. The Mahars would not eat with the Chamars or Mangs ?

A.—Yes.

Q.—And the Chamars wanted a certain number of seats in the hostel reserved for themselves ?

A.—I do not know that.

Q.—Well you can take it from me. Now do you think Government under the Reform Councils did a good deal for these depressed classes ?

A.—Yes, I do admit it.

Q.—Now you make a great point about the reservation of seats for the Non-Brahmin classes, the Mahrattas and allied classes. You have given us a very interesting return of these. Can you tell me whether the condition of reservation is really required now-a-days ?

A.—It is.

Q.—Well we shall go over the list. Consider the last election. In Bombay City, North, where there is a seat reserved for Non-Brahmins, as a matter of fact without this reservation two of you would have come in ?

A.—Are you speaking of the last election ?

Q.—I mean the 1920 election, when not only you would have come in but another Non-Brahmin ?

A.—We did actually come in but those were Non-co-operation days.

Q.—In 1923 it is only in your case that the condition of reservation was actually required and in no other case all over the Presidency. Nobody came in simply because a seat was reserved ?

A.—Yes. Excepting the uncontested reserved seats.

Q.—Now in 1920 you say there was no candidate for the reserved seat in the Thana district. Do you know that on that occasion one candidate was canvassing till almost the very end ?

A.—In which election do you mean ?

Q.—In 1920. One candidate was canvassing for the seat till nearly the very end, but at the end he suddenly became a Non-co-operator and withdrew from his candidature ?

A.—I don't know that.

Q.—Well again taking your list.

(The examiner here referred to two other cases in the Ahmednagar and Nasik districts respectively.)

(*Mr. Chairman*).—*Q.*—Can't you put your question in a general form ? I understand your contention is that at this election with the exception of Bombay North, Non-Brahmins came in.

Q.—In the last election no reservation was at all required.

(*Mr. Chairman*).—*Q.*—Well, can't you put it in a general form ?

Q.—In the election of 1920 even without the reservation, members from your community would have come in ? Take the Poona district. There Mr. Kalbhor topped the list ?

A.—Mr. Kalbhor got 235 votes.

Q.—You are absolutely wrong in the numbers ; he got something like 2,038.

(*Mr. Jinnah*).—*Q.*—That is true but that is due to the fact that there was Non-co-operation.

(*Mr. Chairman*).—*Q.*—Why take it in detail ?

Q.—Well, I shall come to the last election. Take the election of 1923. You find there that while 7 seats were reserved for you, you actually got 11.

A.—Yes.

Q.—And out of this, if there was no reservation, only yourself would not have come in ?

A.—I think there are other instances.

Q.—Who are the others ?

A.—Take for instance the Nasik district ; there was no contest so how can you say ?

Q.—No contest means they came in.

A.—Because there was no other candidate. If there was to be no reservation, then that seat in the absence of the candidate himself would have gone to some one else as in the case of Thana in 1920.

Q.—My point is that if they put forward a candidate, the number of voters from their community is so large that they can easily come in without any reservation—that the number of voters from your community is so large that if candidates from your community do stand, with a little organisation they can always come in.

(*Mr. Chairman*).—*Q.*—Do you accept that ?

A.—No, I do not accept it.

Q.—Now coming back to Bombay City, North, what interests are there specially of the Non-Brahmin classes ?

A.—There are various interests.

Q.—What are they—economic or otherwise—I want you to tell me.

A.—Well, there are industrial interests, there are educational interests. These are two items.

Q.—Well, take the industrial interest in Bombay. The Non-Brahmin classes generally form the labour population—a large part of the mill labour population comes from the Non-Brahmin interest. Now don't you think it right that the labour interest should be represented not necessarily by a man belonging to that particular community but by one who has taken a keen interest in labour matters ?

A.—I don't subscribe to that view, and the instance of Bombay is before us.

Q.—Have you taken any interest in labour matters yourself ?

A.—I have.

Q.—In what way ?

A.—I generally enquire about their grievances.

Q.—Are you connected with any labour organisation ?

A.—No.

Q.—One of the candidates opposed to you, although not belonging to the backward classes, did actually take part in labour organisations—Mr. Baptista ?

A.—Well, he did.

Q.—So that if the Non-Brahmin voters thought it possible that Mr. Baptista was better it was not so very unreasonable at any rate for him to represent their interests ?

A.—But Mr. Baptista will not be present at all the elections. If he happened to be there, that was an accidental circumstance. He was not a candidate at the first election.

Q.—I am only talking of the last election. Seeing the interests of the Non-Brahmins in Bombay are mainly industrial and labour, it is not unreasonable for them to prefer Mr. Baptista to you because Mr. Baptista has taken a great interest in labour questions ?

A.—By that do you mean that because Mr. Baptista secured more votes than I did, therefore he was supported by the Non-Brahmin industrial electorate ?

Q.—I do not say anything at all. I say that from the number of votes he got it is possible.

A.—It is not possible at all. In the case of Mr. Baptista I may tell you that he was supported by his own community.

(*Mr. Chairman*).—*Q.*—I think we have had enough of Bombay North.

Q.—Well, how many seats are there to which Brahmin candidates from the Deccan can possibly get elected ?

A.—Take away the reservation and all of the candidates who would be returned would be Brahmins.

Q.—You answered in reply to a question put by Sir Sivaswamy Aiyer that the local boards have been unmindful of the interests of your class so far as schools are concerned.

Q.—You know that the opening of new schools is in the hands of the Inspectors ?

A.—Yes.

Q.—And the Inspectors were generally Europeans, till two years ago ?

A.—But who are the deputies ? That is the question.

Q.—The Inspector is the final authority ?

A.—The deputies are the persons who generally recommend these schools. The Inspector does not visit each and every village and he accepts what is stated by the deputies who are always Brahmins.

Q.—Would the Brahmins be able to command a majority in the Council under any circumstances ? After all there are 11 Districts in the Deccan. Taking an average of 2 seats, they can at the most get 22

seats. Would they be able to command a majority in the Bombay Legislative Council ?

A.—From that view they won't.

Q.—Take the Southern Division now, in which the large majority of the people are Lingayats. Brahmins and non-Lingayats from 20 per cent. of the population and the Lingayats form the rest. Do you think that the non-reservation of seats has done any harm to the Lingayats in the Southern Division ?

A.—Lingayats do not enjoy reserved seats. As a matter of fact you will see that in the election of 1920 there were more Lingayats than there are at present. That was only because they have no reserved seats.

Q.—So that, although the Lingayats are in your opinion backward in education, on account of their numerical preponderance they were able to carry every seat in the Canarese Districts in 1920 ?

A.—Yes. The question there was that in the case of Mr. Chickodi and Mr. Chougule there was no contest at all. They were elected because there was no contest. They were elected because there were no other candidates.

Q.—In the election of 1923 there was only one Brahmin that was elected out of five seats ?

A.—Yes.

Q.—Out of 2 seats in Dharwar, 2 in Belgaum and 1 in Bijapur, only one Brahmin in the Dharwar District was elected and all the remaining seats were held by Lingayats or Non-Brahmins ?

A.—Yes.

Q.—So that, reservation is not required for numerically preponderating people ?

A.—I do not think that all those districts enjoy the privilege of reservation of seats.

Q.—Non-reservation has not done any harm to them ?

A.—Simply because they have the preponderance.

Q.—That is exactly what I want to point out.

A.—You must accept this also from me, that it depends upon the electioneering campaign that is arranged by the candidates. If they do not conduct their campaign well, they are defeated.

Q.—You say that the Non-Brahmin classes are agriculturists ?

A.—Yes.

Q.—You come from Ratnagiri District—my own district ?

A.—Yes.

Q.—Do you know that Brahmins in Ratnagiri District are also agriculturists ?

A.—Some of them are.

Q.—What other profession have they got ?

A.—Some of them do money-lending business, pleaders.

Q.—Everybody practically is an agriculturist ?

A.—Others are priests.

Q.—As you know, priests always have their own lands at the same time ?

A.—Yes. But they may give it out on rent.

Q.—As regards educational facilities, have any restrictions been placed in the way of Non-Brahmins under the rules either under the pre-reform government or under the post-reform government ?

A.—There were no restrictions placed.

Q.—They never have been placed ?

A.—No restrictions have been placed, but they generally find themselves shut out. Take the admission to some of the educational institutions. For instance, the Medical School at Poona or the Victoria Jubilee Technical Institute or the Medical College. If the Non-Brahmin students were not given the privilege of reserved admission, they find it difficult—almost impossible—to get into these institutions.

Q.—I quite admit that in open competition possibly the Non-Brahmins fall down. Because in these institutions the number of possible admissions was less than the number of applicants, the Non-Brahmins did not succeed in the competition, but at any rate there were no restrictions placed on them ?

A.—No.

Q.—During the last three years special facilities have been given to them for admission ?

A.—Yes.

Q.—Both for the Non-Brahmins and for the backward classes ?

A.—Also for Muhammadans.

Q.—But not for the advanced classes ?

A.—No. They do have whatever they enjoyed before.

Q.—They have been enjoying more under the reformed Government ?

A.—I have been speaking that the advanced classes used to enjoy some facilities in pre-reform days.

Q.—In what way ? What facilities except open competition ?

A.—Take for instance free-ships. If you examine the free-ship list, you will find that the Brahmin students were more favoured than the others. In many cases Non-Brahmins were sacrificed in order to give place to Brahmin students.

Q.—Don't you know that in regard to free studentships there has been a long standing rule for the last 15 or 20 years that half of these should be specially reserved for the backward classes ?

A.—There is that rule, but that rule was so interpreted that it was represented to the Educational authorities that there were vacancies in the Non-Brahmin free-ships and those were transferred to the Brahmin students. Our complaint is that our students were not admitted.

Q.—You resist the charge that Non-Brahmins were narrow-minded in the way in which they dealt with certain questions in the Legislative Council ?

A.—Non-Brahmins ?

Q.—Yes. You say that the charge of narrow-mindedness is false ?

A.—Yes.

Q.—I do not wish to say that the charge is true. But I would only just like to refer you to the attitude taken on the Resolution on the separation of judicial and executive functions in the Bombay Legislative Council. What do you think was the attitude taken by the Non-Brahmin members generally ?

A.—The attitude taken by them was largely tinged by the local experience and difficulties experienced. As for myself.....

Q.—I know you voted for the separation ?

A.—They must have acted according to their own experience.

Q.—In all the speeches that were made on that Resolution don't you remember that several of them said that if the Resolution was carried, it would lead to a great many more posts for the Brahmins and the advanced classes, and therefore, they said they would not have separation of judicial and executive functions ?

A.—I think that argument was used, but that argument was against those who advanced it.

Q.—You say that the Police should be reserved. What is the position of the Police force in the Bombay Presidency generally ? I mean in the Southern and Central Divisions ?

A.—I think there is a majority of Hindus belonging to Non-Brahmins.

Q.—So that, if the Police force were transferred, it would do no harm to the Non-Brahmins ?

A.—But the subordinate Police force has to obey the orders of their superior officers.

Q.—What is the composition of the superior officers ?

A.—Of the superior officers, there are a few Europeans and some are Muhammadans.

Q.—Are there not many Non-Brahmins ?

A.—No.

Q.—You say that Finance should not be transferred ?

A.—That is my idea.

Q.—If you read the rules, is there any rule saying that Finance is a reserved subject in the classification of subjects ?

A.—I do not think.

Q.—You take it from me that it is not there necessarily reserved. It is neither reserved nor transferred.

A.—It is not specifically stated in the classification.

Q.—You say that these subjects should not be transferred but that all the rest should be transferred ?

A.—Yes.

Q.—How many Members of the Executive Council would be required to manage Finance and Police ?

A.—I think one Member can do it.

Q.—And there would have to be about two more Ministers, would it not ?

A.—My idea about it is a Governor, a Member of the Executive Council in charge of the reserved subjects and about about 3 Ministers.

Q.—So that, practically the reserved part will be kept in a very attenuated form and practically everything will go to the Ministers ?

A.—Yes.

Q.—Don't you think that in that case the reserved half of the Government would lose a very great deal of its importance ?

A.—But the Governor has his powers.

Q.—On the other hand, the difficulties of dyarchy will still remain ?

A.—Yes.

Q.—If you have some slight reserved half also, the difficulties would still remain ?

A.—Yes.

Q.—I just want to recall your mind to the meeting of the non-official members that was held in the beginning of 1921.

A.—Several meetings were held.

Q.—The meeting held with the object of forming a non-official party ?

A.—On the very first day ? Yes.

Q.—You were there ?

A.—Yes.

Q.—The question whether Ministers were to be included in that party was hotly discussed ?

A.—Yes.

Q.—It was finally decided that Ministers should not be admitted ?

A.—Yes.

Q.—Can you tell us the reason for this suspicion of Ministers ?

A.—Well, they were looked upon as part and parcel of Government. That was our idea at that time.

Q.—Therefore you would not admit them ?

A.—But that was on the first day the first Council was opened.

Q.—At that time you thought that the Ministers were part and parcel of Government and therefore they should not be admitted into the deliberations of the non-officials ? That was the reason ?

A.—Yes. The majority thought so.

Q.—Don't you think that if Ministers were completely responsible for all the subjects, they would form their own party, they would not be considered as spies of Government or at least of the reserved half and they would be able to influence their own supporters ?

A.—Whether they would be considered as spies or not I cannot say. But I don't think that they would be looked upon in that way.

Q.—They would not be looked upon as Government men. They would be looked upon as leaders of their own party if all the subjects were transferred to them ?

A.—Yes.

Q.—Under the present circumstances the Ministers are not taken into their confidence by the non-officials. They are treated with suspicion ?

A.—Not at present.

Q.—They were at any rate at that time ?

A.—Yes, on the very first day the Council was opened.

Q.—Are the present three Ministers working as a joint body ?

A.—So far as I know, they are treated as separate units. I have stated that already.

Sir Henry Moncrieff-Smith.—*Q.*—You complain that Council Secretaries were not appointed ?

A.—Yes, I do.

Q.—The Council Secretaries are appointed, when they are, only by the Governor under section 52 ?

A.—Yes.

Q.—Would you maintain that position ?

A.—Yes.

Q.—And you find also under that section that the salaries of the Council Secretaries are voted by the Council ?

A.—Yes.

Q.—Would you maintain that position also ?

A.—Yes.

Q.—You would not alter that ?

A.—No.

Q.—The Council Secretaries will have to have the confidence of the members of Government ?

A.—Yes, it appears so. That is why, I was not appointed though I had offered myself.

Q.—They will also have to have the confidence of the Legislative Council ?

A.—Yes.

Q.—Otherwise the Council can show its lack of confidence in the Council Secretary by refusing to vote him any salary ?

A.—They may do so, but if a person who commands some of the votes of the Council is appointed, he will not be in a very awkward position. As I understand this rule, it is there to qualify the non-officials to get themselves acquainted with the inner working of the Government, and as no person is appointed, the non-official part never has any idea about the inner working of the Government. Therefore they generally make mistakes and have no complete information.

Q.—Would you appoint Council Secretaries on both sides, the transferred side and the reserved side ?

A.—Yes.

Q.—Can you tell the Committee briefly what is your idea of the functions of a Council Secretary ?

A.—My idea is that he should get himself acquainted with complete information as to the *pros* and *cons* of a question, and if he finds that on account of incomplete information non-official members are putting forth wrong objections, then he should tell the Council what are the facts and thereby the non-official objection will be minimised. At present though Government try to give information—as much as they possibly can,—still the non-official side looks upon it with suspicion. That is one of the reasons why there is slight opposition in the Council.

Q.—Why do you think that there will be less suspicion of a Council Secretary than of a Minister ? They are both appointed by the Governor, their salaries are voted by the Council, and what will be the difference between the two ?

A.—At present the Ministers are appointed only as regards their particular portfolios, and the Ministers, though they have a backing from a few members, have no backing of the whole Council.

Q.—But the Council Secretary will represent departments, will he not, and not the whole Government ?

A.—But, if there are many, one for each particular portfolio, then they would be in a better position. My suggestion is based upon the assumption that Government allow them access to official information. If the Government keeps them out of it, then it is absolutely of no use appointing Council Secretaries.

Q.—The Council Secretary would always have to support the Government policy, whether it was the policy of the Minister or of the Executive Councillor ? If he was speaking in the Council relying on information that had been given to him as Council Secretary, would he be permitted to speak against the Minister or against the Executive Councillor ?

A.—If there is a conflict between the popular interest and Government interest, then his position will be rather very awkward, but I think that the interests of the public and the good Government are generally not at variance.

Mr. M. A. Jinnah.—*Q.*—I take it that your complaint about the Council Secretaries not having been appointed is based on this fact that if they had been appointed they would have received education ?

A.—Yes.

Q.—Have you carefully considered as to what their functions would be when they are appointed ?

A.—To get themselves qualified for self-Government.

Q.—Have you carefully considered according to the statute and the rules what would be their actual duties ?

A.—I have considered them and my complaint is.....

Q.—Have you considered that ?

A.—To get themselves acquainted with the working of the Government.

Q.—As far as you know, their duties and functions would be to get themselves educated and acquainted ?

A.—Yes.

Q.—You were in the last Bombay Council and you are now a member also ?

A.—Yes.

Q.—As representing the Legislature, have you considered what are your powers as Legislature ?

A.—I think, I have.

Q.—We will take the transferred subjects. If there is any difference of opinion between the Legislature and the Governor whose will will prevail ?

A.—In the transferred subjects it is the view of the Governor that prevails.

Q.—In the reserved side ?

A.—It is the majority view....

Q.—I am talking of the Legislature, and not of the Cabinet. Supposing any question comes up before the Council with regard to the transferred subjects, whose will prevails ultimately, the Legislature or the Governor ?

A.—Ultimately it is the Governor's view that prevails as laid down in the Act.

Q.—And the same thing with regard to the reserved side ?

A.—The Executive Council if it has the majority—the majority view will prevail subject to the Governor's veto in questions relating to tranquillity, safety and other interests.

Q.—Let me take you through your supplementary memorandum. You say that under section 53, para. (3), the Ministers are mere advisers, and you also say that their joint advice should prevail in all matters excepting those relating to safety and tranquillity ?

A.—Yes, I do.

Q.—If that suggestion of yours was carried out, would not the Governor be reduced to a constitutional Governor ?

A.—He would be, subject to the exception about safety and tranquillity, etc.

Q.—He would practically be turned into a constitutional Governor ?

A.—Yes.

Q.—Then do you consider this suggestion of yours should be carried out or not ?

A.—That is for the Committee to decide.

Q.—Do you want the Committee to give effect to this proposal of yours ?

A.—I do wish that the Committee should recommend in that way.

Q.—You want the Committee to give effect to this suggestion ?

A.—I do wish that the Committee should recommend in that way.

Q.—Would you call that dyarchy still then ?

A.—It will still be a dyarchy, because there will be two halves.

Q.—Which half ? What will be left ?

A.—Because.....

Q.—I will put it to you in this way. Is this correct ? Under your recommendation first of all you are mistaken in saying that Finance is a subject. Take it from me that it is not a subject at all. You are wrong there. It is not a transferred or a reserved subject. Will you admit that ?

A.—As given in the Schedule at present.

Q.—According to your recommendations the only reserved department or subject will be police ?

A.—Yes.

Q.—Everything else transferred ?

A.—Yes.

Q.—And the Governor to be reduced to the position of a constitutional Governor ?

A.—Yes.

Q.—Do you call that dyarchy ?

A.—It will be a limited dyarchy.

Q.—Very limited ?

A.—Yes, very limited.

Q.—I take it that you are not satisfied with the present system of dyarchy. You do not like it ?

A.—As far as our Bombay Presidency is concerned we have not suffered from the evil effects of dyarchy.

Q.—What are the evil effects of dyarchy ? Do you know ?

A.—The evil effects are, if there is a difference of opinion between the Governor and the Minister there have been instances where the ministers have resigned. That is one. The second is that the Ministers have not the full liberty to carry out their schemes. Another is that sufficient money is not allotted to them.

Q.—How do you know that your Ministers have not suffered from the evil effects of this dyarchy system ?

A.—I have no personal knowledge of it. But there have been instances where the ministers have resigned.

Q.—Resignation is not the only thing which would prove the evil effects of dyarchy ?

A.—Yes, it is so.

Q.—I put it to you, Mr. Surve, that you have really not considered the constitution very carefully ?

A.—I have considered it according to my own ideas and views, because I have not the full opportunity ; but whatever opportunities I have, I have considered on those points only.

Q.—You have done your best, you mean ?

A.—Yes.

Q.—I will leave you there on that point. Mr. Surve, I think you will admit, so far as the Bombay Presidency is concerned, that every educated man nowadays, whether he is a Brahmin or a Non-Brahmin or a Muhammadan or a Parsee or a Christian, takes very great interest in the welfare of the depressed classes, to advance them, to help them, if they can ?

A.—Yes.

Q.—And there is no special hostility towards what you call the Maratha and the allied castes ?

A.—Hostility to whom ?

Q.—There is no hostility on the part of the educated classes, whether they are Brahmins, or whether they are Bhatias, or Prabhus or Muhammadans—and among Muhammadans there are several castes—there is no hostility towards Maratha and allied castes ?

A.—There is no open hostility.

Q.—Open or secret ? No real hostility ?

A.—I can only say that there is no open hostility ; as to secret hostility, I say if there is a question of self-interest, there is hostility.

Q.—When self-interest comes, then they give preference to that ?

A.—Yes.

Q.—In order to do any serious injury to—I will use the same phrase the Maratha and the allied castes, there must be a combination of self-interest of various different communities or sects ?

A.—If they have to do positive injury then a large combination is necessary, but I have been saying that the masses have been in a neglected condition and unless they are given an opportunity of ventilating their grievances through their representatives, they will not come to a level with the advanced classes.

Q.—I take it that your anxiety is that for the time being the present electorates must be maintained ?

A.—Yes, with the reservation of seats.

Q.—You do not want really to have any serious alteration in the present system of electorates ?

A.—No.

Q.—Nor do I understand you want to alter the franchise at present ?

A.—If franchise is lowered.....

Q.—You do not suggest that ?

A.—I would suggest it.

Q.—You have not suggested it in your Memorandum. I do not want you to start a new case now. You have not suggested it ?

A.—No.

Q.—Are not the electorates as they are at present constituted able to return competent representatives to the Legislature ? Do you consider yourself a competent representative or not ?

A.—They are not altogether competent.

Q.—You mean not every one ?

A.—No.

Q.—But a large body of them are ?

A.—I would not subscribe to that view.

Q.—The majority of them are ?

A.—Something, perhaps a portion.

Q.—The Chairman suggests 50 per cent. ?

A.—Less than that.

Q.—Will it be 40 per cent. ?

A.—You can take it at that figure.

Q.—You mean 40 per cent. of able men ?

A.—Yes.

Q.—And 60 per cent. of incompetents ?

A.—Not incompetent ; they do not exercise their own opinion.

Q.—Who are not very able, you mean ?

A.—Yes.

Q.—But that is in every Assembly ?

A.—May be. But in India there is no universal franchise ; it is very limited here.

Q.—Now, we get to the next point. So far as the Bombay Presidency is concerned, is there any serious ill-will or feeling between the Hindus and Muhammadans, ill-feeling of a very undesirable character ?

A.—At present there have been a few instances.

Q.—I am talking generally ?

A.—Generally not.

Q.—I take it this way. Your electorate is more or less the Maratha and allied castes. Do you come across Muhammadan workers ? They work in the factories and in various industries. Do you come across them also ?

A.—Personally I have not come across them.

Q.—Don't you see them ?

A.—I see them of course. I had no talk with them. They have never represented their grievances to me.

Q.—Of course not, because you are not their representative. My point is this. Amongst the class of people that you move and your people whom you represent, did you ever hear any kind of serious complaint, ill-will on the part of your people against the Muhammadans ?

A.—No.

Q.—This is what you have said. You have summed up very wisely if I may say so. You say this :

> "Unless the Hindus try to realise the just grievances of the Muhammadans and try to meet their legitimate demands ungrudgingly and on the other hand unless the Muhammadans consent not to ask in excess of their just rights, the two sections will always have disputes."

That is how you put it. After you read that I want to put a question to you ?

A.—My point was.....

Q.—My point is this. It is a very excellent formula that you have laid down. Do we in Bombay, as far as we can, try to observe that formula so far as the Bombay Presidency is concerned ? Do we act up to it ?

A.—No. As far as the Hindu party is concerned it cheerfully submits to what is given to them, but the Muhammadans sometimes ask even larger favours than they should.

Q.—Then Muhammadans sometimes ask for a little more ?

A.—Yes.

Q.—And the Hindus cheerfully concede that ?

A.—They do submit.

Q.—Then your idea is that they get on very well except that the Muhammadans want sometime a little more than what you give ?

A.—Yes.

Maharaja of Burdwan.—*Q.*—I think you told Dr. Paranjpye that on the day when the new Legislative Council began in 1921 you discussed as to whether the Ministers should be taken into your confidence or not because they were held in a certain amount of suspicion. Has that position changed since then or not ?

A.—It has changed. But let me go a step further and say that the meeting which was held on the first day never came to a fruition. During the first three years there was not a single organised opposition party or even a non-official party. We simply sent round circulars once in a year saying that we should be present at a meeting and consider the formation of a party. We spent those three years in mere considering. No party was ever formed.

Q.—What I want to get at is that at the present moment the Ministers do enjoy the confidence of the Legislative Council, though not in every measure, to a very great extent ?

A.—They do to a certain extent, but not to a very great extent.

Q.—Regarding Council Secretaries, I think your idea is that it would be helpful to have Council Secretaries and to train them in constitutional self-government. Have you realised the fact that the moment you have a Council Secretary—it does not matter whether it is for the transferred half or the reserved half—he is bound to support the policy of Government in that particular department ?

A.—Yes.

Q.—That being so, do you think that his position as a helpful whip to the Member or Minister concerned might be jeopardized ?

A.—It may be jeopardized.

Q.—You know Council Secretaries are supposed to be a help to a Minister or a Member as a whip ?

A.—Yes.

Q.—Don't you think that when the Council Secretary has got to support the Government policy—Whichever half of Government it may be—his position might be largely jeopardized for that reason ?

A.—I do see that. But my point was that if you are looking to the welfare of the country then there will be only one Government and the Council Secretary, being in possession of the correct information, will help to remove the doubts and to give the correct information and thereby minimise the differences.

Q.—I understood from what you told Mr. Jinnah that you are not altogether opposed to dyarchy as a system. But in your Memorandum you have reduced dyarchy to a ridiculous position if I may say so by the fact that if Finance be not considered a subject then you have left the Governor with only one reserved subject, namely the Police. May

I know that if a Governor is left with one reserved subject such as Police, could he not administer that subject with his Chief Secretary or somebody else and do away with the appointment of the Member of Council ?

A.—Even to-day there are Secretaries to Members.

Q.—What I meant was that if you left your Governor, say, with Police only which is practically law and order, don't you think that your Governor could administer that department himself and not have a Member of Council at all ?

A.—He can administer it.

Q.—In that case, under your scheme, the Governor would have certain enlarged executive powers to control Police and whatever other subjects you may have in view and all the rest would become transferred ?

A.—Yes.

Q.—Therefore, so far as the Council actually is concerned it will face Ministers and not Members. Is that your scheme ?

A.—My scheme is that there should be a Member.

Q.—Just now Mr. Jinnah pointed out that Finance is not a subject which is either transferred or reserved. That being so, would you still have one Member only for the administration of Police ? You have not had experience of Government with Lieutenant-Governors. When there were Lieutenant-Governors they never had any Members of Council. If you want to have a Governor with one subject only, then it is quite possible for him to administer that department without a Member of Council ?

A.—But a Governor is not a Member of the Council. He has only the right to address it but he does not take any part in it. Besides who will ask for the grants and for the Budget expenses. Who will make demands for that particular subject ? It must be done by a Member.

Q.—Could not that be done by a Secretary to Government ?

A.—Secretaries do not do that in Bombay Council.

Q.—But I have known cases when Secretaries have made demands on behalf of a Member ?

A.—So far as my knowledge goes, this has not been the case.

Q.—Supposing a Secretary did make a demand for the Governor on that particular head, would you still have a Member for the Police only ?

A.—I should have a Member.

Q.—Would it be worth while having a Member for one department only ?

A.—Yes.

Q.—Could you not delegate that to the Governor himself ? Then you will have only Ministers in your Council ?

A.—No.

Q.—In other words, simply for the sake of Police you will still have a Member of the Executive Council and you will have your Ministers ?

A.—Yes.

The Chairman thanked the witness, who then withdrew.

The Committee then adjourned till Monday, the 18th at 10-30 A.M.

Monday, the 18th August, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. C. Y. Chintamani, ex-Minister, U. P.

EXAMINED BY THE CHAIRMAN.

Q.—We propose to examine you in public, that is what you desire ?

A.—Yes.

Q.—You were a Minister in the United Provinces from January 1921 to May 1923 ?

A.—Yes.

Q.—And your colleague was Pandit Jagat Narain ?

A.—Yes.

Q.—What constituency did you represent ?

A.—The Jhansi District.

Q.—Have you any connection with the Jhansi District ?

A.—No personal connection.

Q.—What constituency did Pandit Jagat Narain represent ?

A.—Lucknow City.

Q.—When you resigned office did you resign your seat on the Council ?

A.—No.

Q.—You were still a Member ?

A.—Yes.

Q.—You still sit for Jhansi ?

A.—No, I was a member of the late Council.

Q.—You remained a member till the Council expired ?

A.—Yes.

Q.—You stood for re-election ?

A.—No, I stood for the Assembly.

Q.—Who represents Jhansi now ?

A.—Pandit Bhagavat Narain Bhargava.

Q.—Do you regard him as one of your party ?

A.—No, he is a Swarajist.

(*Mr. Jinnah*).—*Q.*—You stood for the Assembly at the last election ?

A.—Yes.

Q.—You were defeated ?

A.—Yes.

Q.—I have been asked to enquire who was your opponent when you stood at the last election for the Assembly.

A.—I had two opponents, Pandit Krishna Kanta Malaviya and Thakur Shiva Shanker Singh.

Q.—What were their divisions ?

A.—Gorakhpur—Benares Division.

Q.—United divisions ?

A.—Yes.

Q.—You had some experience of public life before you were a Minister ; you were a Member of the old Council ?

A.—Yes.

Q.—And you are a journalist ? You have been connected with journalism for a long time ?

A.—Yes.

Q.—How long have you been in the United Provinces ?

A.—21 years—nearly 22 years.

Q.—You are domiciled there ?

A.—Yes.

Q.—You came originally from Madras ?

A.—Yes.

Q.—From your memorandum I assume you and Pandit Jagat Narain were in close political accord, that is your political views generally agreed ?

A.—You mean as Ministers ?

Q.—Politically you belong to the same party ?

A.—Yes.

Q.—You did, and you do ?

A.—Yes, that is so.

Q.—How many votes could you have commanded in the old Council, the first Council of the United Provinces ?

A.—You mean in the first Reformed Council ? Well, we had no difficulty in carrying any of our important measures by a majority of non-official votes.

Q.—What would you regard as your personal party in the Chamber, how many roughly, generally speaking ?

A.—Well I should say between 40 and 50 were generally our supporters.

Q.—What did you regard as the non-official Opposition to you ?

A.—There was no organised opposition. The opposition was made up of temporary combinations according to the nature of the subjects.

Q.—There was no definite party against you, not even a landlord party ?

A.—No, many of the landlords were my supporters.

Q.—Of course, the officials generally voted with you ?

A.—Yes.

Q.—But was their vote necessary to you ? Could you have carried on without the official party ?

A.—On no important matter which made a test question was their vote necessary for us.

Q.—You have favoured the Committee with a very long and detailed memorandum, and we are greatly obliged to you for it, but it is impossible for me to examine you on all the points raised, and if I do not examine you on all the details, it is not because I do not regard them as important, but because it would take too long. Therefore I propose to put a few general questions on the memorandum.

Should I be wrong if I were to assume that when you first took up your office the system that was started was something rather different from what dyarchy is generally understood to mean ?

A.—Quite so, it was started as a unitary government.

Q.—By unitary government you mean a government where all important questions are discussed and decided by the general deliberations of both sides of the Government ?

A.—That was so.

Q.—Would you consider that to be in accordance with the general idea of dyarchy, as contained in the instructions to Governors ? Instruction III you are familiar with, page 170 in the blue book :—

> " Inasmuch as certain matters have been reserved for the administration according to law of the Governor in Council in respect of which the authority of Our Governor-General in Council shall remain unimpaired, while certain other matters have been transferred to the administration of the Governor acting with a Minister, it will be for you so to regulate the business of the government of the presidency that, so far as may be possible, the responsibility for each of these respective classes of matters may be kept clear and distinct."

Of course you are always observing this rule ; still the system of government commenced in the United Provinces did contemplate that both sides would be responsible ; that is, you did away to some extent with the distinction between transferred and reserved subjects ?

A.—That is so.

Q.—And therefore you occupied a position *vis-a-vis* the Government which suited you better than had dyarchy been observed ?

A.—The position would have been different if dyarchy had been observed.

Q.—Speaking generally again, gradually the system shifted more to what would correspond more completely with the idea of dyarchy ?

A.—Yes, but never very completely ; the position still remained dubious.

Q.—It went in that direction ?

A.—It went in that direction, at the same time it was not followed to its logical conclusion.

Q.—Therefore I put it to you that really you were not unnaturally disappointed that the tendency was all to reduce the Ministers' influence ?

A.—That is so.

Q.—If you had commenced with strict dyarchy, you probably would not have been so disappointed ?

A.—No, there would have been no disappointment. As we, Pandit Jagat Narain and I, explained to our Governor, we were prepared to work in a strictly dyarchical government or in a unitary government ; what we objected to was a semi-demi unitary dyarchical government, where our position was not clear.

Q.—I understand you were entirely satisfied with the arrangement as it commenced, but what you complained about was that you did not proceed logically ; you should have had a government which was not dyarchy or you should have had dyarchy ?

A.—We had neither.

Q.—But you were quite satisfied with the first position ?

A.—Entirely.

Q.—But you yourself thought that was not justified by the actual rules ?

A.—That responsibility rested upon the Governor.

Q.—But what was your own view of it ?

A.—My own view was that the Governor was observing the spirit of the Act all right, because when formal decisions had to be taken, they were the decisions of the Governor in Council, or of the Governor acting with his Ministers. Only on important matters that aroused much public feeling would the Governor say in the Government resolution or in his public speeches that that action had been taken in consultation with and with the support of the Ministers.

Q.—That would bring you into it ? You were responsible ? If I said I took a decision on a reserved subject with your support, you must be responsible ?

A.—Yes that is so, we do not disclaim the responsibility.

Q.—The instructions have provided a separate responsibility ? The Act does not lay down the principle of joint responsibility of the Ministers ?

A.—The Act does not.

Q.—But there are several rules which do ?

A.—Yes.

Q.—Take the rule of the allocation of finances, Devolution Rule 31. That rule seems definitely to recognise joint responsibility ?

A.—Yes, it does.

Q.—And Fundamental Rule 5 ?

A.—Yes.

Q.—So it would not be fair to say that joint responsibility is not recognised in the rules in some places ?

A.—In a very few rules and only in respect of finance.

Q.—They are important rules ?

A.—They are no doubt important but they do not cover the general field of administration.

A.—As a matter of fact you did work on the joint responsibility principle ?

A.—Yes we did.

Q.—Your rules provided for it ?

A.—Only in a few matters such as you have now pointed out to me ; but there are many other rules where the formula is ' the Minister,' not ' the Ministers.'

Q.—Do you consider that Ministers ought to work on a system of joint responsibility ?

A.—Yes.

Q.—And you carried it out ?

A.—We carried it out completely.

Q.—Your colleague consulted you on matters that did not concern you at all ?

A.—That is so.

Q.—You do not think there is any difficulty if you have a very divided Council, with strong parties pretty equally balanced, and you had two Ministers—would it be possible as a sort of coalition government if you had to take one Minister from each party, to carry out the principle of joint responsibility ?

A.—Yes, provided the persons agreed to act on that principle.

Q.—Supposing you could not get government on those lines ?

A.—I do not see why not. I would rather dissolve the Council than have a separate responsibility of Ministers. If no coalition could be arranged, if no two members of the Legislative Council, who would act together and yet get the support of the Council, could be obtained, then I would sooner dissolve the Council than do away with joint responsibility.

Q.—Supposing the same thing happened again and again, would you go on dissolving the Council which would have no time to form fresh roots and you might have exactly the same result every time ?

A.—On the basis of probabilities that is not likely to arise, and I believe all these rules have been framed on the basis probabilities and not of extreme possibilities.

Q.—They were framed to meet contingencies. You get many rules under the Act provided to meet unusual circumstances.

A.—But there is a section of the Act which enables the Governor to carry on the administration of Transferred Departments during such contingencies.

Q.—Would you say then that that would be a case for temporary administration ?

A.—Obviously, if a normal arrangement could not be made as contemplated by the Act then there would be no alternative but that.

Q.—That is what I was coming to. You agree ?

A.—Yes.

Q.—I don't want to take you through any details but may I refer you to paragraph 10 of your note ? You say :

> " The Rules under this head appear to me to call for revision, and I think, too, the language of the relevant sections of the Act itself."

Now let us take the Act first. I take the words you object to here, section 45A (3) :—

> " ....but the Governor General in Council shall be the sole judge....."

I don't quite follow your objection. I put it to you that that is a necessary rule : somebody must decide that point, otherwise it is left in the air.

A.—Well, there should be some arrangement by which an independent body should decide such constitutional disputes between two Governments.

Q.—Not the Governor General in Council. The High Court ?

A.—It may be the High Court or a special tribunal of some sort. I have an open mind on the subject. In fact, in a subsequent paragraph of my memorandum I advocate a Privy Council for India such as was recommended in the Montagu-Chelmsford Report, and I say a Judicial Committee of that body should decide such disputes.

Q.—That is what you have in mind ?

A.—Whether that recommendation commends itself or not is immaterial so long as there is some tribunal independent of the Governor General in Council and the Local Government to decide such disputes.

Q.—That is your point ?

A.—Yes.

Q.—Now would you look at the rule itself ? It is rule no. 49 at page 12 " Limitation of Control.". Do you think that that rule requires amendment ? It is with regard to the power of the Governor-General to interfere in the administration of transferred subjects ?

A.—The rule in general terms seems to be unobjectionable. In fact it will all depend on how it is administered whether it will make itself felt or not.

Q.—Of course we can only recommend alterations in the rules. The administration of the rules is a personal matter. Do you recommend an amendment of this rule to the Committee ?

A.—My suggestion will not be an amendment of the rule so much as a more clear-cut division between the respective spheres of the central government and the local government.

Q.—Whatever may be the spheres of the central government and the local government, do you regard this as a reasonable rule for the control of the central government over the local government ? I think you admit that in any constitution there will be a central government and a local government.

A.—Assuming that my suggestion is not accepted, some such rule as this will be necessary, I admit, and I have no objection to the wording of this rule ; but I still maintain that when it comes to an interpretation of the rule in regard to an actual dispute between any two Governments, the decision should rest with an independent tribunal.

Q.—That refers to the question of who is to decide in the event of doubts arising under the rule. That is not what I am asking you ; there is no question now of the tribunal which is to decide disputes. Assuming there is to be some control, is this the kind of control which you would accept ?

A.—Yes, in the unfortunate event of the present section having to be maintained as it is.

Q.—Your point is that the Governor General should exercise control but should not decide disputes. At the same time there must be rules governing the relations between the central government and the local government ?

A.—There must be.

Q.—And is this rule a satisfactory rule ?

A.—So far as it goes, it is satisfactory.

Q.—That is all I want to get at. Now about the Finance Department, Mr. Chintamani, I don't wish to take you through any details but just to ask one straight question. If you had been the Finance Minister yourself would you, generally speaking, have exercised control in any way different from what the Finance Member did ?

A.—That is a difficult question to answer. If I had been Finance Member with specific responsibility for some subjects and a general responsibility for all reserved subjects, and in that position I was called upon to find funds for a part of the Government for which I was not directly or indirectly responsible, my view would be the same as that of the Finance Member now, namely, that charity begins at home.

Q.—I am talking of the Finance Department ?

A.—But the Finance Member and the Finance Department are the same. He is the head of the Finance Department.

Q.—Quite so, but he has to exercise certain functions. Those are in the nature of treasury control. He exercises that on both sides of the Government. The financial control is the same.

A.—Including the subjects for which he is also administratively responsible himself.

Q.—Then the point you wish to make is this, that he is prejudiced by the fact that he is in charge of certain departments himself ?

A.—There must be an unconscious bias.

Q.—But as a matter of fact did you notice any bias ?

A.—I did. The Finance Member was certainly more anxious to see that his reserved departments got all the money they required before other departments got what they wanted.

Q.—Then would your objection be removed if the head of the Finance Department was a person who had no portfolio and was independent of the Government altogether ?

A.—It would be only partially removed. I would still object to it.

Q.—Even if he is not a member of the Government at all but an independent authority ?

A.—Oh, yes, that particular objection would then be removed.

Q.—Supposing he was appointed by the Governor General ?

A.—He should not be a part of the Governor in Council.

Q.—It is not to the existence of financial control that you object ?

A.—I regard that as indispensable.

Q.—You don't object to the rules ?

A.—I object to the rule very much indeed, because the rule says it should be a department under the control of a member of the Executive Council.

Q.—What I am trying to get at is this—with the exception of that, have you got anything against these rules—with the exception of the rule that the Finance Member is a member of the Executive Council ?

A.—I have no detailed objection to the rules. I approve of the rules in so far as they insist upon close treasury control over every spending department.

Q.—Now having got thus far, would you look at paragraph 16 of your note. You begin " Not a pie of new expenditure can be incurred by the Ministers without the approval of the Finance Member." Is that correct ?

A.—Quite correct.

Q.—Under what rule ?

A.—These very Devolution Rules. Under them every matter involving any expenditure has first to meet with the approval of the Finance Department before it can be given effect to.

Q.—It has to be referred to the Finance Department.

A.—It has to be approved by the Finance Department.

Q.—It has to be referred to them for expert advice but you are not bound to follow that advice.

A.—It is not mere advice. The moment the Finance Department says it does not approve of a particular proposal involving a certain expenditure, either on appeal the Governor has to side with the Minister or the proposal has to be withdrawn.

Q.—But the Governor may side with the Minister. The deciding authority is not the Finance Department.

A.—It is, except when an aggrieved Minister may go in appeal to the Governor.

Q.—Not in appeal. In the case of a proposal like that where you find yourself in disagreement with the Finance Department, where you think it interfered unreasonably.....

A.—They may consider it reasonable, and when they have pointed out legitimate objections to my proposal from their point of view, I have no grievance at all.

Q.—I am taking a case where they have quite unreasonably rejected your proposal, then you can say " I don't agree with the Finance Department."

A.—But as I have to live with the Finance Department and as I have to depend on that Finance Department from day to day of my official existence, I would not make it a normal act of my official life to go constantly against the Finance Department. It is only when I have a special case.

Q.—But surely normally you agreed with the Finance Department ?

A.—I would not say that.

Q.—Nor do you disagree with it ?

A.—In the first year normally there was agreement, but after the first year it was as often as not disagreement as much as agreement.

Q.—Owing to the fact they interfered improperly ? May I take it that in 50 per cent of the cases they interfered ?

A.—You might put it so. I did not tabulate the number of cases. I am prepared to state this without any exaggeration that it was a very general experience of both the Ministers in the United Provinces after the first year, that they had to contend with great difficulties when they went to the Finance Department, that pretty frequently they had to go before the Governor, pretty frequently the Governor did not side with

them and pretty frequently they could only gain their point in the end by placing their offices at the disposal of the Governor.

Q.—You did gain your point in the end.

A.—I put it with all respect, suppose a member of Government is only able to carry his point by treating resignation as an almost daily contingency, I would not say it is a satisfactory system.

Q.—After all, when the case goes to the Finance Department, they only generally deal with details. They are not dealing with big questions of policy.

A.—They go beyond the rules and they do interest themselves in policy.

Q.—But surely that is not the function of the Finance Department. That is not a function which is laid down under the rules.

A.—That is true.

Q.—It is not against the Finance Department *qua* Finance Department but it is against the administration of the Finance Department that you have a complaint.

A.—But my contention is that much of this difficulty arises from the fact that it is a dual Government where the Finance Member is interested in one part of it.

Q.—We will come to that point. We will come to the rules later on. Your complaint is against the administration of the Finance Department ?

A.—I entirely agree.

Q.—This Committee is not concerned with the personnel. It is concerned with the rules.

A.—Yes. But that I submit once more at the risk of appearing to be repetitious is that the safeguard against the Finance Department strictly observing the rule and not entering into policy as distinct from expenditure is not a real and effective safeguard for the Ministers inasmuch as the Finance Member is a part of the other part of the Government.

Q.—You say that would be remedied if you have an officer independent of the Local Government, who had no connection with the Council, and had no portfolio.

A.—Yes. I would like to submit one more observation. The authority before whom we go with an appeal against the Finance Department is himself responsible to the Government of India and higher authorities for the administration of the Reserved Departments, and therefore it is not before an impartial appellate authority that the Minister goes with an appeal against the Finance Department.

Q.—I do not quite see whether you can avoid it if the Ministers have complete control. Would you allow the Minister to over-ride the Finance Department ?

A.—I would not allow the Minister to over-ride the Finance Department in normal circumstances. My submission is this. When you provide the Governor as an appellate authority over the Finance Department for an aggrieved Member of the Government such as the Minister, that Governor should be equally and impartially interested in the Minister's Departments as much in the Finance Department and in the Reserved Departments generally. Actually the Governor is more responsible for the Reserved Departments because he is responsible to higher authorities under the Act than he is for the Minister's Departments which are transferred.

Q.—What is your remedy for this ?

A.—My remedy is a constitutional Governor.

Q.—Apart from that, you would not advise that the Minister should over-rule the Finance Department ?

A.—Well, if the present constitution has to be maintained in tact as it is, except for a few alterations of detail here and there, I should even go to that abnormal length—to that absurd length—that the Minister should be allowed to over-rule the Finance Department than to make him the victim of the Finance Department.

Q.—You never had a Joint Financial Secretary in the United Provinces ?

A.—No.

Q.—I take it that the position of the Joint Financial Secretary is the same as that of the Secretary.

A.—It is not at all clear. I have discussed the position of the Joint Secretary in one of the paragraphs of my memorandum and if you refer to rule 30 or rule 36, I think it is.....

Q.—I do not want to take you any further than that. I put it to you, there is no difference between the position of the Secretary and the Joint Secretary in regard to powers ?

A.—The Joint Secretary's position is not at all defined.

Q.—What is his ordinary position ? Did you have any Joint Secretary in your Department as well as a Secretary ?

A.—I had a Joint Secretary for some time in the Public Works Department.

Q.—I suppose he had the same authority within his sphere as a Secretary ?

A.—That was because the Governor by special order gave him that power.

Q.—You probably never had a Joint Secretary before in the Government ?

A.—I have no idea about it.

Q.—Please refer to paragraph 18—composition of the Finance Committee. What is the constitution of the Finance Committee in the United Provinces ? I presume a large number of members are elected.

A.—The Finance Committee consisted of 12 Members, of whom 8 were elected by the non-official members of the legislative council and 4 were nominated by the Governor.

Q.—You had a majority in the House and therefore I take it that these were your representatives ?

A.—It does not necessarily follow in matters of new proposals of expenditure and policy.

Q.—I do not suggest that you had a party. What I was saying is that you were able to select 8 men from the Council and put them on the Finance Committee.

A.—We had absolutely no voice. The Ministers were regarded as part of the same Government to which the non-official members considered it their business to be in opposition, and therefore the Ministers were never given a chance by the non-official members of advising them as to who should be elected and who should not.

Q.—In fact, you did not use your majority for that purpose ?

A.—We had absolutely no voice in advising either the majority or the minority.

Q.—Surely, it was open to you to do so ? It was open to you to secure the election of 8 men you wanted, because *ex hypothesi* you had a majority in the Chamber.

A.—If the Minister converted himself into a canvassing agent in order to secure the election of his own nominees to certain committees, he might possibly have succeeded.

Q.—Surely any Minister would do so.

A.—That was not the understanding in that constitution. It was considered to be the unfettered privilege of the Non-Official Members to elect whomsoever they chose, and they would not allow any Member of Government, Minister or no Minister, to come near them in that respect.

Q.—Paragraph 27 of your note. That affects the franchise ?

A.—Representation.

Q.—You say that the best way of securing the interests of the rural millions is to increase the urban representation.

A.—That is my opinion in existing circumstances.

Q.—On the ground that the landlords are too selfish representatives ?

A.—Yes.

Q.—That is a curious thing. You consider that the urban representatives are more likely to represent agricultural grievances than the agriculturists themselves ?

A.—None the less, it is true.

Q.—It is a peculiar circumstance ?

A.—It is a peculiar circustances, but it is the actual circumstance now.

Q.—Then you propose to alter the landlord representation in paragraph 28 ?

A.—Only redistribution.

Q.—I take it that you think that the big landlords have too much power ?

A.—The purpose of that paragraph is quite different. In the first place, it is to point out that the large number of landlords residing in the 36 districts of the province of Agra are only allowed two representatives, while about 300 talukdars who constitute the British Indian Association of Oudh are allowed 4 representatives. That is point No. 1. Point No. 2 is that those landlords in the province of Oudh who are not members of the British Indian Association, are not given any representation as landlords.

Q.—Am I right in thinking that the members of the British Indian Association are talukdars ?

A.—Yes.

Q.—They are all very large landlords ?

A.—Not all of them. Some of them very large, some of them large, and many of them small.

Q.—Would you consider that the United Provinces is a province of great landlords speaking generally ?

A.—It is undoubtedly a province of landlords.

Q.—Surely there is no other province where you have so big landlords.

A.—I know of other provinces where there are bigger landlords, only their number may not be as large.

Q.—What province are you thinking of ?

A.—Madras Presidency, Bengal, Behar, Vizianagram in Madras, Durbhanga in Behar.

Q.—I am not talking of individuals. Would you say, on the whole, that the United Provinces was a province of big landlords, not of the biggest landlords, but the landlords there on the average are bigger than landlords elsewhere ?

A.—I do not feel confident in saying that it is a province of big landlords. There are undoubtedly many big landlords, but there are a very large number of smaller landlords also.

Q.—A good deal of your memorandum is occupied with the relations between the Ministers and the services.

A.—Yes, unfortunately.

Q.—I do not wish to go into the details. Just look at paragraph 40. Should I be representing your views fairly if I say that although you have had trouble at times with the services, on the whole your relations were good ?

A.—My personal relations ?

Q.—I am asking of your official relations.

A.—My official relations were not on the whole good. They were quite good in the beginning, but during the major part of my 28 months they were not good.

Q.—You have given certain instances here. I do not want to go into them. You say in paragraph 40 : " And I should further like to record that it should not be thought that they were very frequent. On the other hand there were many officers whose attitude towards the Ministers was correct and some who were cordial and helpful."

A.—Quite so. There was no personal unpleasantness as a rule.

Q.—I am talking about official disagreements.

A.—Official disagreements were very many and very frequent.

Q.—Were the official disagreements in these cases honest differences of opinion or were they differences which can be considered to be factious opposition to you ?

A.—I never questioned the honesty of those who disagreed.

Q.—It was merely disagreement.

A.—Their point of view was different. They disagreed with me.

Q.—Was it honest disagreement or did they disagree with you with any other object ?

A.—In the absence of any proof to the contrary, it is my duty to say that it was honest disagreement.

Q.—What did you feel ?

A.—I felt that their point of view was different. They considered themselves to be the guardians of certain interests which were not precisely the interests of which the Ministers were to be the custodians.

Q.—I put it to you in this way. Did they oppose you because you were a new broom coming in and they were used to old ideas and therefore they were a little suspicious of what you were about to do or did they say that they won't work with you ? The points are quite different.

A.—I do not know if I can answer that question precisely beyond saying that no one refused to work with me. They did oppose my views and they did not approve of many things I did just as I did not approve of their ideas and consequently there was friction.

Q.—I do not see why there should be friction if I disagreed with you. We can discuss the matter without friction.

A.—I do not pretend to have a fraction of that experience which you have had as an officer, but it appears to me to be very unlike ordinary human nature. If there are a Minister and a Secretary or Head of Department who differed more frequently than agreed, and if a Minister has to force his ideas upon unwilling agents, if these Secretaries or Heads of Departments and other officials have to spend all their life in official work feeling that this new man can force his ideas upon them, and if consequently difficulties arise, I think I would call it friction.

Q.—But still it happens between Secretaries and Members as well as between Secretaries and Ministers.

A.—I am here using the words "Members of Government" as including Ministers.

Q.—My point is this. You could have friction of that kind between the Secretary of a Reserved Department and the member in that Reserved Department?

A.—But there would be a difference. Supposing the Secretary or the head of a department felt that the Minister or member of the Government under whom or with whom he works has real powers, is the authority who is not liable to be over-ruled every day by an appellate authority who is accessible to these secretaries and heads of departments, and which appellate authority is drawn from the same class as the secretaries and heads of departments and is at least as likely to agree with them as with the Minister drawn from a different class altogether, then the deference they would pay to that Minister or Member of Government and their preparedness to get on with him without creating differences would be something different from what it is under the existing situation.

Q.—You have not got my point there. This member of Government also will be a new broom?

A.—He would not be a new broom. Suppose an I. C. S. officer comes for the first time into the Government as a member he would not be treated as a new broom. Supposing you take a man from the Editor's Chair who knows nothing of Government and who all his life had been a critic of Governmental actions and these gentlemen are asked to carry out his instructions.

Q.—It does happen?

A.—It does happen but in our country under the constitution and system we have it is regarded as something very much approaching impropriety.

Q.—Then I see you say that the only way in which you think the constitution will be worked is a spirit of give and take, and you approve of the statement in the Montagu-Chelmsford report in which it is said that the constitution must be worked by reasonable men and in a reasonable spirit.

A.—I think that if a constitution is worked always by reasonable men and in a reasonable spirit, any constitution in the world will work well. All these rules and all these safeguards will not be necessary.

Q.—If you have reasonable men and work in a reasonable spirit it does not really matter what kind of constitution you have ?

A.—I think so but I think constitutions are framed because human nature is imperfect and many safeguards have to be inserted.

Mr. Jinnah.—*Q.*—Because they are not always reasonable ?

A.—Each man has his own point of view, his own interests, his own bias.

Q.—You have given us very interesting information as to your views on the division of subjects and the Committee will have carefully to consider them at the proper stage. I wish only to ask you one question on that. Look at paragraph 46 as to the question of railways. I do not quite see what you are driving at. If I may say so, you agree no doubt that railways should be a central subject ?

A.—Certainly.

Q.—But you want to provide some form of local control. I do not see what form you would like it to take.

A.—I myself was not ready and am still not ready with precise and detailed suggestions as to its form.

Q.—May I ask you to give me some general idea of that form ?

A.—There are many grievances of the passengers and of traders in connection with the administration of railways. They naturally go before the local Government as the nearest authority and they also seek the assistance of non-official members of the local Council in bringing those matters to the notice of the Government, but the Government is under the necessity either of disallowing questions and resolutions or of telling the Council that it is not a matter within their control, that it is not a matter which they can redress. I do not think that it is a right position. In the second place, as I have pointed out in that paragraph or the next paragraph, difficulties have arisen not specially in the United Provinces but I have some acquaintance with the province of Madras.

Q.—That is about light railways ?

A.—Yes.

Q.—May I put to you a concrete question ? Supposing a *bania* comes to you and says that the station master of a station is very corrupt and does not give any trucks, what control would you propose to give to the local Government to deal with that case ?

A.—That is precisely where I said that I am not ready with details.

Q.—But you would refer him to the authority which would enquire into his case and punish the station master ?

A.—Some arrangement might be possible by which there might be direc communication between the local Government and the railway management concerned in that province in order to obtain redress of genuine grievances. In the second place, some device might be possible by which in the Railway Board at Delhi and Simla the opinion of the provinces will get a better hearing, there will be some chance of that opinion always being stated—I do not want for them a controlling authority, but I want for them an opportunity of effectively stating their case.

Q.—What difference would it make whether the man who did not get the trucks complained to you or whether he complained to the Railway Member

A.—The Railway Member is a distant divinity. He is only an abstraction ; whereas the officers of the local Government are real human beings for the purposes of the man in the street.

Q.—Do you think that it will be more satisfactory from his point of view to make a complaint to you who will not be able to do anything more than pass it on, than to make a complaint to the Board ?

A.—He can be sure of a redress if he can get the support of the local Government on his representation.

Q.—You are opposed to a Public Services Commission ?

A.—I am opposed to it in the existing circumstances. If a Public Services Commission is proposed to be constituted as part of a new constitution under which the Government of India will not be responsible to the Secretary of State but to its own legislature here and the local Governments will be completely responsible to their legislatures, then I shall keep an open mind with regard to the Public Services Commission in those circumstances.

Q.—That is not my question. My question was this. You say that you do not think that the Ministers should have any patronage. That is a very extraordinary statement.

A.—I hope it is not so very extraordinary. I think the Ministers have many things more to do than to dispense patronage.

Q.—Supposing a Government was composed entirely of Ministers, how would you keep your party going without patronage ?

A.—By the nature of my policy and measures for the public welfare.

Q.—Is not that rather Utopian ? Is there any Government in the world dependent on the democratic vote who does this ?

A.—They would have a certain limited patronage in making appointments which are not part of graded services.

Q.—I am not talking about graded services. I take patronage in general, in very broad terms, including all kinds of things.

A.—I am not aware. Such little study as I have made of patronage does not lead me to the conclusion that the Ministers in England are only able to keep themselves together by dispensing patronage.

Q.—You think not ?

A.—No.

Q.—And therefore you yourself would, at any rate, lay down that Ministers should exercise no patronage ?

A.—That is my position.

Q.—And you do not think, speaking as a practical man, who has kept a party together for 2½ years, there is any difficulty in doing so without patronage ?

A.—I did not exercise any patronage.

Q.—You had none to exercise.

A.—To the very limited extent that I had, I saw that the patronage was exercised with responsibility.

Q.—Then you divested yourself of it directly ?

A.—By the device of selection committees. I even went out of my way and got the Governor's opinion and support when I exercised it. I never exercised it for individual or party purposes.

Q.—There is one point on which I want to ask you a question. Pag 39. I take it, Mr. Chintamani, you recognise at times the maintenance of law and order is difficult ?

A.—It is always difficult.

Q.—It is not a popular subject ?

A.—It cannot be popular with those who want to break the law. The unpopularity arises from the manner in which it is administered.

Q.—But the person administering it cannot be popular with the man he is dealing with ? The Judge is not popular with his accused ?

A.—Except when he acquits him.

Sir Muhammad Shafi.—*Q.*—Does not that depend upon the manner in which you deal with the person concerned ?

A.—It depends upon the manner in which law and order is maintained.

Q.—You say in the same paragraph that you are constrained to say that the British Government and their officers as a class have during the last 2½ years signally failed to co-operate with Indian public men in the spirit of the Montagu-Chelmsford report. Would you like to modify that in any way ?

A.—As a general statement I have no modification to make.

Q.—Then you would say that the Indian public men have cordially co-operated in the spirit of the Montagu-Chelmsford Report ?

A.—Indian political parties *minus* the non-cooperators have co-operated.

Q.—*Minus* non-cooperators ?

A.—By their very definition they are not cooperators.

Q.—I suppose non-cooperators may be Indian public men ?

A.—I have used the plural. "So far as the progressive political parties go."

Q.—Then on both sides there must be a considerable amount of non-co-operation ?

A.—As between non-cooperators and Government.

Q.—I put it to you very frankly. Is it quite fair to say that the British Government and their officers have, as a class during the past 2½ years, signally failed to cooperate with Indian public men with that qualification that the Indian public men have signally failed to cooperate with Government ?

A.—If my meaning is not properly conveyed, the exception should be of the non-cooperation party. With that single exception my statement is correct as a statement of fact.

Q.—Would you say that that party is the most powerful political party in India.

A.—In one sense.

Q.—They have probably more seats in the councils than any other party ?

A.—In the present councils. That was not in the last councils. They were the most important in the sense that they were the most popular at the time and in no other sense.

Q.—In paragraph 80 you say that the British Government has done nothing for the depressed classes except that they have been placed on an equality with their fellow-beings in the eye of the law.

A.—I said, "What is the British Government's record of services for their *uplift* ?"

Q.—You make this statement. "What is the British Government's record of service for their uplift except that they have been placed on an equality with their fellow-beings in the eye of the law."

A.—Kindly read that with the words, "What is the British Government's record of service for their *uplift*."

Q.—What I want to ask you is this. Do you regard equality before the law as rather an important matter ?

A.—Very important.

Q.—I would not ask you any questions of detail on the Government of India. Am I correct in saying that you have never served in the Government of India ?

A.—No, I have not.

Q.—Under your scheme you would create a kind of dyarchy in the Government of India ?

A.—I am not proposing dyarchy.

Q.—You are proposing a division of Government ?

A.—But only two subjects to be in the hands of the Viceroy.

Q.—Under your scheme there will be two persons as Government of India ?

A.—The Government of India will have charge of all subjects except two and the Governor General will be in charge of two subjects.

(*Mr. Chairman*).—*Q.*—It is dyarchy then under your scheme ?

A.—To some extent there will be a division, but it is not dyarchy.

(*Mr. Chairman*).—*Q.*—It might not be what you call dyarchy, but it is division of Government ?

A.—Division of Government it is.

Q.—In paragraph 3 of your memorandum you have drawn attention to the ideal conditions which existed during the first year of your office ?

A.—During the major part of the first year.

Q.—In paragraphs 3 to 6 you have described the gradual deterioration which occurred according to your views afterwards ?

A.—Yes.

Q.—Do I understand you aright that during the first year or some part of the first year Sir Harcourt Butler used to have constantly meetings of the full Government to discuss the more important problems of the province ?

A.—Yes.

Q.—And he gave you, Ministers, comparatively speaking, every latitude so far as the administration of your own departments was concerned ?

A.—Yes.

Q.—Kindly turn to page 4 of your memorandum. Here you have given us in paragraph 7 a quotation from the recommendations of the Joint Select Committee and in that quotation the Joint Select Committee towards the end say :—

"But in cases which are of sufficient importance to have called for discussion by the whole Government, they are clearly of opinion

that the final decision should be that of one or the other portion of the Government as a whole."

From this passage which I have just read it is perfectly clear, is it not, that the Joint Select Committee contemplated discussion by the whole Government on important questions ?

A.—Yes.

Q.—And when the final decision is taken the decision is to be that of the Governor and the Executive Councillors or the Governor and the Ministers as the case may be ?

A.—Yes.

Q.—Then it is perfectly clear that during the greater portion of the first year of Government in United Provinces Sir Harcourt Butler carried out the recommendations of the Joint Select Committee ?

A.—Yes.

Q.—There was nothing which he did which was not contemplated by the Joint Select Committee itself ?

A.—That is so.

Q.—Then, had that state of things continued during the three years of the first reformed council, the Montagu-Chelmsford Reforms might have been a success in your province ?

A.—Yes, according to that view.

Q.—According to that view, had those ideal conditions continued the Montagu-Chelmsford Reforms might have been a success in your province ?

A.—Had those ideal conditions continued.

Q.—Would I be right if I were to say that very probably there would have been success in your province ?

A.—Yes, under those conditions very probably there would have been.

Q.—In other words if in the United Provinces the Governor had adopted the same practice as Lord Willingdon did in Madras, the results would have been otherwise ?

A.—What Lord Willingdon did in Madras I know only by general repute and hearsay. I cannot speak with confidence of what he did in Madras.

Q.—In page 4 in paragraph 8 you cite another passage from the Joint Select Committee's report. Let me invite your attention to one portion of it :—

"But if, after hearing all the arguments, Ministers should decide not to adopt his advice, then in the opinion of the Committee, the Governor should ordinarily allow Ministers to have their way, fixing the responsibility upon them, even if it may subsequently be necessary for him to veto any particular piece of legislation."

Am I to understand from what you have said in the earlier portion of your statement that this recommendation of the Joint Select Committee was not acted upon during the last two years of the first reformed council in your province ?

A.—Yes, that is so. I should not say not always acted upon, but very frequently not.

Q.—Is it your opinion that if this recommendation had been acted upon, invariably acted upon, the Transferred Departments would have been administered more successfully than was the case ?

A.—Yes, combined with the grant of money.

Q.—Now, at page 5, paragraph 10, you say :—

> " I do believe that the amount of control exercised or sought to be exercised by the Government of India and the Secretary of State—here and now it is immaterial for my purpose which of the two outside authorities exercises it—has been less in the Transferred than in the Reserved departments whether in matters of legislation or administration."

Here you are speaking from your own experience as a Minister ?

A.—Yes.

Q.—Now, with regard to what you have said under the head Finance Department, I have only two questions to put to you. Is it your case that where the Finance Department and the Minister in charge differed on a question that question had to be referred to the Governor ?

A.—Unless the Minister acquiesced in the decision of the Finance Department.

Q.—And that it was the Governor's decision which prevailed in the matter and that therefore the final decision in matters of finance connected with the Transferred Departments in such cases did not rest with the Minister ?

A.—It did not.

Q.—Now you complain that neither of the Ministers was appointed a Member of the Finance Committee ?

A.—I make a statement of fact.

Q.—Who was the chairman of the Finance Committee ?

A.—The Finance Member.

Q.—The Finance Member himself ?

A.—Yes.

Q.—Then the essence of your complaint is that while the Finance Member who was a member of the Executive Council was not only a Member but the Chairman of this Committee neither of the Ministers had anything to do with the Finance Committee ?

A.—My complaint is that neither of the Ministers had anything to do with the Committee. I think it is right that the Finance Member should be the Chairman.

(*Mr. Chairman*).—*Q.*—You think it right that he should be the Chairman ?

A.—Yes.

Q.—At page 7 paragraph 15, this is what you have said :—

> " ' The growth of education ' has been laid down as one of the matters of investigation for the Statutory Commission provided for by section 84A ",—see (2) of that section, " —and yet we had considerable difficulty in averting a large reduction of the allotment for primary education, first in 1922 and still more in 1923."

Do I understand your position to be that because the growth of education has been laid down as one of the matters to be considered, as you have said, probably on the ground that the growth of education is essential for the creation of an intelligent electorate, therefore an increasing amount ought to be spent on the education of the people in general and you were not allowed to do that while you were Minister ?

A.—Not only on that ground but in the interests of the public welfare an increased amount should be spent in all circumstances.

Q.—At page 10 paragraph 19 do I understand you to say that the Ministers were not consulted in matters of legislation even when such legislation referred to their own department ?

A.—That is not what I have said.

Q.—Will you kindly explain exactly what you have said ?

A.—May I know which sentence you refer to ?

Q.—Paragraph 19.

A.—In the first place, the Legislative Department has been treated as a reserved subject, whereas like the Finance Department it should have been treated as a common subject. In the second place, I said the Governor in making nominations to the Legislative Council never consulted the Ministers and even made nominations of persons who were hostile to the Ministers. I complain that they were not consulted with regard to the dates and the duration of council sessions. I complain that they were not consulted with regard to the constitution of any of the Committees of the Council. I think my specific complaints are all set forth there.

Q.—At page 12 towards the end of paragraph 21 this is what you have said, after describing certain actual instances :—

> "It is intolerable that certain persons having been selected as Ministers, officers on the reserved side should afterwards be asked or encouraged or permitted to exert influence in favour of anti-ministerial candidates."

I suppose this was one of the hindrances or obstacles to the success of the transferred side of the Government ?

A.—No, I do not put it forward as one of the major hindrances to the success. I put it forward as showing the spirit that actuated those in charge of the Government in dealing with the Ministers.

Q.—If the spirit had been otherwise, the results which unfortunately according to you occurred would not have taken place ?

A.—If many other things had not been done and many other things had been done along with this.

Q.—In paragraph 22, you say at the end :—

> "Besides, no authority external to the Legislature should have power to intervene in its business."

I suppose that proposition includes also the proposition that so far as the Legislative Council's is concerned courts of law should have no power to interfere in the procedure of the legislative council ?

A.—The Governor you mean ?

Q.—I mean courts of law. The procedure of the Legislative Council should be entirely in the hands of the Legislative Council ?

A.—Yes.

(Sir Sivaswamy Aiyer).—*Q.*—As in Calcutta ?

A.—I understand the reference.

Q.—Kindly turn to page 14, paragraph 27, where you have advocated increase in the number of urban representatives on the ground that the interests of the tenants are not properly safeguarded by the landlords ; in fact there is a certain feeling of antagonism between the landlords and the tenants. Is not the proper remedy to enlarge the franchise, give votes to the tenants so that they may be entitled to elect their own representatives to the council ?

A.—I think the tenants have plenty of votes ; I think the tenants have at least 3 votes for one which the landlord has and a mere increase in the number of tenant voters will not secure to tenants independence so long as the relation of landlord and tenant continues to be what it is and the tenant is dependent on the landlord.

Q.—I suppose that your new Tenancy Act which has converted their status from tenants at will into at least life tenants has now introduced security of tenure and they will be able to exercise their votes independently now ?

A.—I think you are referring to the Oudh Rent Act of 1921. There is no such legislation yet for the province of Agra, and even in regard to Oudh that concession made to the tenants should be taken along with several other provisions of the Rent Act of 1921 which go a great way to neutralise its effect.

Q.—Will you kindly turn to page 17, paragraph 33 ? Is it your view that it ought to be the concern of the local government to settle as to how many men they want for various appointments and not the work of the outside authority ?

A.—That is so.

Q.—Similarly, in paragraph 35 you say that that ought to be the concern of the Local Government too ?

A.—Yes.

Q.—Before I come to page 39, I should like to put just a question to you with regard to page 26 with reference to a question that was put to you by the Chairman. At the top of that page you have italicised a sentence. Don't you mean by that patronage as regards appointments and no other kind of patronage ?

A.—That is the sense in which it is used.

Q.—Your observation is limited merely to appointments ?

A.—Yes.

Q.—Now kindly turn to paragraph 78. It is very pleasing to see from what you have said in that paragraph that neither in the Government nor in the Legislative Council nor in the general public life of the United Provinces has there been an exacerbation of the Hindu-Muslim feelings since the introduction of the new system of Government. Is not that mainly due to the fact that the ultimate ideal of both the communities is the same ?

A.—It is so.

Q.—I am sure a journalist of your experience and intimate acquaintance with political conditions is aware of the fact that as far back as March 1913 self-government within the Empire was adopted as the ultimate ideal by the Muslim League in Lucknow ?

A.—Yes, I am aware of it.

Q.—And this has been reiterated at the recent meeting held at Lahore ?

A.—Yes.

Q.—That is also the ultimate ideal of the British Government for India and also of the Hindu community ?

A.—Yes.

Q.—So that, in so far as the common good of the country and the people are concerned, there is really no difference of opinion ?

A.—There is no difference of opinion with regard to the ideal.

(*Mr. Chairman*).—*Q.*—I do not wish to interrupt you, but I must make one point clear. I think you are speaking purely politically. You cannot deny that there has not been a good deal of trouble between the Hindus and the Muhammadans lately in the United Provinces ?

A.—No, I cannot deny that.

(*Mr. Chairman*).—*Q.*—And this state of things that you have described exists in your province in spite of the fact that the Muhammadans are represented in your Council, District Boards and Municipal Boards through their own separate electorates ?

A.—Yes.

Q.—I believe you had something to do with the granting of separate electorate to the Muhammadans in the District Boards ?

A.—Yes.

Q.—This state of things may also partly be due to the very fact that the Muhammadans having been satisfied in the demand that they were putting forward for a separate electorate there is now less friction between the Hindus and the Muhammadans ?

A.—Yes; one cause of friction has been removed.

(*Mr. Jinnah*).—*Q.*—You are not opposed to separate electorates being continued ?

A.—No.

Q.—As a journalist and a politician having intimate knowledge of the actually existing conditions, you are aware of the fact that the generality of Muhammadans want at present to be represented through their own separate electorates ?

A.—Yes.

Q.—Would you force mixed electorates upon them against their wish ?

A.—No, I would not.

Q.—Would you agree with me that when the communities have learnt to respect each other's legitimate rights, the next step would be or ought to be proportional representation through mixed electorates, but by mutual agreement ?

A.—I hope so.

Q.—And when that state has come into existence, don't you think that what is likely to happen is that the Progressives of both communities—I am using the word ' Progressives ' in the larger sense—on one side and the Conservatives of the two communities on the other side will form their two parties within the Legislative Councils and thus the party system will come into existence in this country ?

A.—That is my hope and belief. But the present constitution of the Government and the position of the Government in the Legislative Councils is not favourable to the growth of a party system on those lines.

Q.—But I am speaking of the period which I have already anticipated. Now I come to your views about the central government. On page 42, paragraph 84, you have dealt with the Secretary of State's control. What is your opinion with regard to the exercise by the Secretary of State of his power of superintendence and control in relation to the internal civil administration of the country ?

A.—He should not exercise any such control.

Q.—And with regard to the subjects which have been reserved by the Liberal Party generally, namely Defence and Foreign and Political affairs, what would you say with regard to such control in relation to matters in which the Government of India and the Central Legislature agree ?

A.—He should not exercise any control there too.

Q.—You, of course, realise that that object can be achieved under section 19A—by framing a rule ?

A.—I do not think so. I speak with diffidence as I am not a lawyer. I am a mere layman. But so far as I have been able to understand the language of section 19A, it is limited by references to the purposes of the Act, among which there is no reference to the introduction of responsible Government in the Central Government.

Q.—Will you kindly just for a moment turn to the language of section 19A ? Since you have expressed your opinion on it I would like to ask you one or two questions about it. Is it not clear that the use of the expression " notwithstanding anything in this Act " shows that this section is not controlled by any other section of the Act ?

A.—I would not venture upon what is a slippery ground for a layman. But I would draw your attention to the last phrase of the section which says that the delegation of powers by the Secretary of State in Council is only to be in such a manner as may appear necessary or expedient in order to give effect to the purposes of the Government of India Act, 1919.

Q.—I will come to that portion. For the present I am dealing with the words " notwithstanding anything in this Act " the Secretary of State may do so and so. That shows that this provision is not controlled by the other provisions of the Act.

A.—If that had stood alone or if we shut our eyes to the other provisions in the Act, then what you say would, in my opinion, be correct.

Q.—What do you take the meaning of the word " restricted " in this section where it says that the Secretary of State may by a rule regulate and restrict the exercise of the powers of superintendence, direction and control ?

A.—It means that he may do with less of superintendence, direction and control.

Q.—He may say " I will exercise my control in these subjects but henceforward I will not exercise it in certain other subjects " ?

A.—If you ask me to state it on the basis merely of that particular section, shutting my eyes to everything else in the Act, then I can agree with you.

Q.—That is sufficient for my purposes. Now we come to the 'purposes' of the Act on which you lay so much stress. Will you kindly turn to the Preamble. "Whereas it is the declared policy of Parliament to provide"—I will pass over that portion which is not necessary for the purposes of the present discussion—"for gradual development of self-governing institutions with a view to the progressive realisation of responsible Government". Is not that the purpose of the Act ?

A.—It is one of the purposes.

Q.—The Preamble says "gradual development with a view to progressive realisation of responsible Government". Would it not be consistent with the purpose of the Act for the Secretary of State to gradually restrict his powers of superintendence and control over the Government of India ?

A.—Yes, but subject to the other provisions of the Act.

Q.—What are the other provisions of the Act ?

A.—Section 131.

Q.—Section 131 has been made use of against the view that I have placed before you, while it is favourable to that view and not against it. If the Secretary of State removes his control or restricts his control under section 19A, it has been said that the Government of India will then be irresponsible; it will not be responsible to anybody. My reply to that is that section 131 still retains responsibility to the Parliament in spite of the removal of the Secretary of State's control.

(*Sir Tej Bahadur Sapru.*)—*Q.*—I take it that you are putting your own view of the law to the witness. I would like to say with all respect that that is not the view of the law that I take.

Q.—That is not necessary just now. But the witness can say so if he likes.

A.—What I say is that your statement that by virtue of section 131 the Government of India, after having received delegated powers from the Secretary of State, will not be irresponsible but will still remain responsible to Parliament supports my view that the position that we want will not be attained.

Q.—You told us just now that where the central government and the central legislature agree with regard to any matter concerning defence or the Foreign and Political Department, the Secretary of State should not interfere. Would you go so far as to say that in a matter which has not been referred to the Legislative Assembly, where the Government of India, which means the Viceroy and his Executive Council, including three Indian Members, come to an unanimous conclusion, the Secretary of State should not interfere ?

A.—Yes, I would prefer that.

(*Mr. Chairman*)—*Q.*—You would prefer that ?

A.—Yes, as between the existing arrangement and that which Sir Muhammad Shafi has suggested.

Q.—Similarly would you say that where a provincial government and a provincial legislature agree in regard to any matter concerning internal provincial administration, the Governor General in Council ought not to interfere ?

A.—Yes I do, but you understand that all my answers are subject to a grand proviso.

Q.—Tell us that proviso.

A.—My proviso is that the local government should be responsible in law to the local legislature and the Government of India to the Assembly. I shall not be content with any such delegated authority or any such unwritten conventions as are suggested.

Maharaja of Burdwan:—*Q.*—I take it that, in view of what you told Sir Muhammad Shafi regarding Muhammadan representation in your Province, you do not hold to the view that two *ex*-Ministers of two different Provinces expressed before the Committee, that, so long as there is communal representation, there is a real obstacle to provincial autonomy ?

A.—I may agree with it as an abstract proposition ; I do not agree with them in its application to the present circumstances.

Q.—In other words you do not think that is an obstacle in your province at any rate ?

A.—No, I do not think so.

Q.—In your province you could still have provincial autonomy with communal representation in the province ?

A.—Yes.

Q.—Regarding your views about the working of dyarchy in your province, am I to understand that the ideal state of affairs that existed for the first six or eight months of your Ministership is what you would have preferred if you had remained right through the three years of your term of office ?

A.—Yes, that is what I would have preferred if there was to be dyarchy.

Q.—But don't you think that this system of joint deliberation, whilst theoretically very good, in the long run is a real impediment for the Ministers, that is to say, when Ministers are consulted about subjects regarding which they have no real responsibility and then that matter is brought forward in the legislative council, the Ministers find themselves in a very awkward position, having had knowledge of everything and not having had the power actually to control the policy underlying that ?

A.—No, that is not what I found where Ministers were consulted fairly and uniformly throughout all the stages of a particular subject. Then, like other Members of the Government, they should bear the responsibility for the advice they gave.

Q.—I mean to say, for instance, during your term of office did any matter of importance on the reserved side crop up before the Joint Government on which, being agreed, you were willing to shoulder that responsibility before the legislative council ?

A.—Oh, yes.

Q.—And you think that, even if the Ministers were not responsible for the reserved half of the Government, their advice, if sought by the Governor and his Executive Council, would be helpful not only to the reserved half but would not in any way jeopardise the Ministers' position in the legislative council afterwards ?

A.—It would not jeopardise it so long as the consultation is fair and uniform throughout all the stages of the subjects.

Q.—Yes, I am taking a case in which the Governor and the Executive did consult the Ministers in all stages ?

A.—If you are taking that case, then it is far better that they should not be consulted at all.

Q.—I do not quite follow that.

A.—I understood your question to mean, whether it would be better for the Ministers that they should be consulted at certain stages only or should not be consulted at all.

Q.—No, my question was that on the transferred side it is not necessary for the Ministers, for instance, to consult the reserved side of Government at every stage.

A.—That is so.

Q.—In the same way it may not be necessary for the reserved side to consult the transferred side at every stage, but it may be necessary to consult the transferred side on a general principle or a general matter of policy. What I say is, when the transferred side is consulted by the reserved half and the Governor, on a matter of that kind, not at every stage, but at particular stages, do you think that such consultation is not only helpful to the whole Government, but that it does not in any way become an impediment for the Ministers with their party or with the legislative council ?

A.—As I have said, the consultation should be uniform at every stage. What I meant 'by every stage ' was not the routine administrative acts which it would be necessary for any Member of the Government to do and in respect of which there would be no consultation, but where the policy decided on jointly by the Governor, the Executive Council and the Ministers is to be departed from in whole or in part, or where something is to be done which would be inconsistent with the decision which has been already taken, something material which has not been disclosed to the Ministers. In such an eventuality, this partial consultation would really be an impediment to the Ministers.

Q.—That is what I am asking.

A.—I have passed through experiences of various kinds, favourable, partly favourable and unfavourable.

Q.—But don't you think the system, as it at present exists, only makes it possible for partial consultation ?

A.—I do not think so. The Act does not provide for any joint consultation.

Q.—The system which prevails ?

A.—No, I do not see why it should be so.

Q.—For instance, if the Political Department thinks that certain action is to be taken against certain men in your Province, either for sedition or for some other kind of unhealthy political activity, the Political Department is quite competent to deal with certain of these activities under the existing laws, and as such the Governor may dispose of such cases without even having an Executive Council meeting. But an Executive Council meeting is held, things have gone from bad to worse in the Province, and general action has to be taken, the Ministers are drafted in to consider what should be the policy of Government as a whole. Don't you think that, in a case of that kind, where the Ministers have really no responsibility whatsoever of actually working of these executive actions under which persons are to be put under restraint and so forth, when they are brought into consultation, they are put in a very awkward position afterwards with the legislative council ?

A.—To the extent that the Governor without even consulting his Executive Council when taking action.....

Q.—I say that the rules provide that the Political Member in charge can do certain things under the existing laws.

A.—What I was going to say was, to the extent that the matter is disposed of by the Governor or an individual Member of the Executive Council, to that extent it is not suggested there should be consultation with the Ministers, but where a matter is considered to be important enough to be considered at a meeting of the Governor in Council, the proposal of joint deliberation implies that it should be not only a consultation between the Governor and his Executive Council, but a consultation between all the Members of the Government.

Q.—What I am trying to get at is this, does this partial responsibility of Ministers in executive matters help the Ministers in the legislative council ?

A.—I can only say it all depends upon the manner in which they are consulted and the manner in which decisions are come to.

Q.—Did you and your colleague find difficulty in any matter of that kind when you were Ministers ?

A.—We found a difficulty when we were taken into consultation at a certain stage and not throughout. The fact that we were taken into consultation was advertised abroad and afterwards we were quietly dropped out and action was taken by the Governor in Council as if there were no Ministers in existence and as if the Ministers had never been taken into consultation before. Such cases did arise and then we found ourselves in trouble.

Q.—That is what I am asking ; that is where the weakness of the present system exists. Do you think that that is a weakness of the present system ?

A.—I consider the present weakness is that everything is left to the individual discretion of the Governor.

Q.—Now as regards dyarchy, supposing Sir Harcourt Butler did not have the joint deliberation which he started wisely according to the injunctions of the Joint Parliamentary Committee, supposing he had worked dyarchy as dyarchy is really understood, do you think your position would have been better or worse ?

A.—It would have been better in certain respects, and worse in certain other respects. At all events it would have been thoroughly intelligible.

Q.—Supposing now in any Province where there has not been sufficient progress say for further advance, if dyarchy was worked in that way, you would approve of it ? I know that most of the people in this country do not like dyarchy; that is the general concensus of opinion that has been brought before this Committee, but up to now I have not been able to get at any actual forceful opposition to dyarchy as a principle. What I want to know is, supposing in any Province which was not fully advanced, would you advocate, if that dual system had to continue in such a Province, that dyarchy should be worked in the sense that you understand dyarchy and not in the sense of joint deliberations ? I mean to say give a fair trial to dyarchy, would you advocate it ?

A.—I think the opposition to dyarchy was very forcibly demonstrated in a backward province like the Central Provinces and in a very advanced Presidency like yours.

A.—As regards the question you have put to me, my answer, without prejudice, is that the conviction that I hold is the one I have expressed here against the continuance of dyarchy. If I was asked to state whether I would prefer dyarchy ; if I was told that there could be no complete responsible government and that dyarchy must be mainained and asked, whether it should be strict dyarchy or dyarchy as the Joint Parliamentary Committee recommended it, I would say certainly as the Joint Parliamentary Committee recommended it.

Q.—You would not have what is called strict dyarchy ?

A.—No ; I said as the Joint Parliamentary Committee explained it—that is, mitigated dyarchy.

Q.—Will you kindly tell me—do you consider, so far as your province is concerned, that your province is, from your own political point of view, ready for full provincial autonomy ?

A.—Certainly.

Q.—Supposing that was the view expressed by certain other provinces, who thought that they were also sufficiently advanced to have full provincial autonomy, have you ever given thought to this fact—that there would then be really very little need for a Legislative Assemly ? You talk of bringing in a form of dyarchy in the central government ?

A.—I don't. I have suggested a division which is not dyarchy.

Q.—Well now, instead of that divisional government, supposing you had a Governor General assisted by so and so who had these departments under them, controlled only those departments—do you think that a Council of State and those departments would be sufficient for the Central Government, and that larger powers being delegated to what you call provincial governments and provincial governments practically becoming autonomous, there would be very little room for a Legislative Assembly ?

A.—I think there will still be very great room because a number of subjects must always remain central, so long as the country is one unit. It will not be only military or foreign affairs, but railways, post office and telegraphs, exchange and currency, and such like things that will have to be under the central government.

(*Mr. Chairman*).—*Q.*—You would not advocate the delegation of those to your provincial governments ?

A.—No.

Q.—That is to say, you would not have your own coinage or your own postage stamps ?

A.—No, I would do without those luxuries.

Sir Henry Moncrieff Smith.—*Q.*—Mr. Chintamani, at the end of paragraph 10 of your memorandum you say " I can, if called upon to do so, cite instances within my knowledge of interference or attempted interference by Delhi or Simla or by Whitehall where I was and am convinced there should have been none." You are talking, I take it, of interference in transferred subjects there. You had in mind transferred subjects.

A.—Yes, I had in my mind transferred subjects.

Q.—Do you mean that rule 49 of the Devolution Rules is infringed by the Government of India in its interference ?

A.—No, I cannot confidentially say whether any part of this rule is infringed or not.

Q.—And if the rule is not infringed by the Government of India, then your complaint is against the rule rather than against the Government of India ?

A.—Actually my complaint is both against the rule and the Government of India.

Q.—Now can you, if called upon to do so, cite instances—I want you to tell the Committee if you can think of any legislative proposals of your own that were hampered by interference on the part of the Government of India ?

A.—I may mention the Allahabad University Act of 1921—not exactly hampered but trouble and uncertainty caused. And delay in the case of the District Boards Bill of 1922, for which Pandit Jagat Narayan and I were jointly responsible.

(*Mr. Chairman*).—*Q.*—It was not your own ?

A.—No. Then there was the Aerial Ropeways Bill.

Q.—Did that become law ?

A.—Yes.

Q.—Any others ?

A.—You asked me about legislative measures—those are the principal ones.

Q.—In paragraph 16, Mr. Chintamani, you refer to that circular from the Finance Department. I put it to you that the circular did no more than this—to tell the heads of departments that it was no good sending up proposals to the Finance Department asking for financial sanction because there was no money.

A.—The heads of departments never send their proposals to the Finance Department. The heads of departments only send them to their own respective Members.

Q.—You say heads of departments put proposals up to Ministers ; the Ministers sanctioned them administratively, and the Secretaries then took the case to the Finance Department to get financial sanction ?

A.—Yes.

Q.—I put it to you that the only meaning of that circular was that it was no good going to the Finance Department for financial sanction because there was no money. It did not prevent heads of departments or Ministers from pursuing the discussion of their proposals.

A.—I fear I cannot agree with you, because the heads of departments, even after administrative sanction has been received, do not go to the Finance Department themselves. The work of the heads of departments begins and ends with the Member in charge of their own department. Everything else is with the Secretary to Government and the Minister ; and when the Governor in Council, without the concurrence or knowledge of the Minister, addresses the heads of departments telling them they must not make any proposals, the only effect is to prevent them from puting forward any proposals to their respective Ministers. It is after all quite possible that when a proposal comes up before a Minister he might consider it so important that he would be willing to make a surrender of money set apart for some other purpose ; but according to that circular he is stopped altogether, he cannot do anything because the heads of departments have to obey it.

Q.—You complain, Mr. Chintamani, that you were not consulted about the dates of meetings, or the duration of the session, of the legislative council. Now you know that the Act, so far as the first date is concerned, gives the discretion to the Governor ; but you think that the Governor should always consult all departments ?

A.—No, the Governor himself does not know what business there is for the legislative council except from the information he gets from the members of the Government.

Q.—But you say—do you not ?—that the Secretaries or Deputy Secretaries in the departments were asked to send up a list of the business that Ministers wanted to bring forward at the forthcoming session ?

A.—Yes, they did, otherwise they could not make up their agenda of business.

Q.—But why should you desire any more than that ?

A.—Why should other members of the Government be consulted or get more information ?

Q.—What information ?

A.—If the convenience of other members of the Government is consulted with regard to dates, with regard to the duration of the session, with regard to the distribution of business and all these matters relating to the legislative council, why should the Ministers be prevented from having the same facilities ?

Q.—Do you know that is done ?

A.—It is done. The Finance Member determines everything.

Q.—But as leader of the House ?

A.—As the Member in charge of the Legislative Department.

Q.—But suppose you had a separation in the United Provinces, supposing that the establishment of the House was separated entirely from the local government, you might have a Legislative Department which was not the Legal Department ; the legislative council would have its own establishment, its own Secretary.....

A.—It has its own Secretary.

Q.—I do not know whether it has got a complete establishment.

A.—Well, the Secretary's business is to look after the arrangements in the Council Chamber, to see that the agenda of business is printed and copies distributed, reports circulated and so on.

Q.—He is a servant of the House, not a servant of Government ?

A.—All this is done by the Secretary of the legislative council, who is not the Secretary in the Legislative Department of the Government : the two offices are distinct.

Q.—I am trying to understand what your complaint is. You say the Finance Department had certain information, but he happened to have that information merely because he was the head of the department which for the time being was running the Legislative Department.

A.—I may point out the change of practice there has been after the first year. In the first year every member of the Government, Executive Councillor and Minister, was consulted as to when, in his judgment, the next session of the Council should be called, what in his judgment, should be its duration, how in his judgment the business should be distributed. All the four opinions were put together and then the business was arranged by the Member in charge of the Legislative

Department for approval of the Governor. But after the first year the whole thing was dropped. That procedure was absolutely dropped and the Ministers were not consulted.

Q.—I understand your departments were asked what business they had to bring forward ?

A.—I have pointed out two things—that the legislative council and the Legislative Department should be treated as a subject common to both halves of the Government : and in the second place that there was a change of practice between the first year and subsequent years.

Q.—I still fail to understand the grievance. As the result of the change in practice were you prevented from getting any measure through during any particular session ?

A.—That could not have happened.

Q.—Then what is the grievance ?

A.—What I have pointed out—that it is treated as a reserved subject, and the courtesy shown to Ministers at first, was afterwards withdrawn through no fault of their own.

Q.—May I suggest to you that it is a purely sentimental grievance ?

A.—I consider any distinction of any sort between the Executive Council and the Ministers to be a very practical grievance.

Q.—In paragraph 22 you say the Governor should not have the power to disallow questions. Has your Governor ever disallowed questions ?

A.—Yes.

Q.—Could you refer me to the rule under which he disallows questions ?

A.—I understand that the President disallows Questions and the Governor disallows Resolutions.

Q.—You would qualify your answer in that respect ?

A.—I am quite willing to qualify it if that be so.

Q.—As regards Resolutions, you know what the restrictions are at present on the moving of Resolutions ?

A.—Yes.

Q.—And the Governor has power to disallow Resolutions because it is not primarily the concern of the local Government ?

A.—It is the President who should do so.

Q.—Can you tell me how a Non-Official President will be in a position to know whether a matter is primarily the concern of the local Government or not ?

A.—I think that on the face of it the Resolution will show to the Non-Official President who reads the relevant section of the Government of India Act and the rules relating thereto whether it is or is not primarily the concern of the local Government. If on occasion there should be a Resolution of such a nature that the President finds some difficulty in making up his mind, he can consult the Governor, the Government Member, the Legal Remembrancer or anybody else he chooses.

Q.—He will be giving an *ex parte* decision in that case, would he not ?

A.—What is the Governor's decision ?

Q.—Would you allow your President to give a hearing to the Member who gave notice of the Resolution also ?

A.—I do not think that that is necessary. I want only to exclude an authority external to the legislative council from exercising such a power. Even at present it is *ex parte.*

Q.—You think that the President will practically always be in a position to decide these matters for himself though he is not in the Government ?

A.—I think so.

Q.—And he should have no concern with the Government ?

A.—No.

Q.—Talking about an authority external, I presume you are aware that the Governor is part of the legislature under the constitution ?

A.—If he is a part of the legislature, it is only in the sense that he goes and opens the council, that he receives addresses from the council, he has the power of vetoing Bills or doing such like things. Otherwise, how is he a part of the legislature ?

Q.—He assents to Bills.

A.—Well, if he is a part of the legislature, then he is an external part of the legislature.

Q.—What is your idea of the functions of the Council Secretaries ? What is your conception of the functions that they should exercise ?

A.—Analogous to the functions of parliamentary Under-Secretaries in England—to relieve and assist their respective Members of Government in their work in the legislative council ?

Q.—Would you appoint them on both sides ?

A.—Yes.

Q.—Did you have any Council Secretaries in the United Provinces ?

A.—We had 2, one on the reserved side and one on the transferred side.

Q.—Not one for each Department ?

A.—No.

Q.—Or one for each Minister ?

A.—No.

(*Mr. Chairman*).—*Q.*—Did you find them useful ?

A.—I had no Council Secretary for myself, but Pandit Jagat Narain found him very useful.

(*Mr. Chairman*).—*Q.*—You did not use him ?

A.—No.

Q.—Do you think you would always be very happy if you had a Council Secretary and you decided not to go down to the House one day but let the Council Secretary do the work entirely ? It would depend, I presume, on the personality of the Council Secretary.

A.—It is not a question of happiness. It depends upon the various circumstances relating to business.

Q.—Would you maintain the present position that Council Secretaries are to be appointed by the Governor ?

A.—It would not be necessary in the case of cabinet government. It is the Head of the Government as distinct from the Governor who would appoint them.

Q.—The Act lays down in definite terms that the Governor in his discretion shall appoint Council Secretaries.

A.—That is so under the present Act.

Q.—Would you alter it ?

A.—I think I should alter it. I should leave it entirely to the discretion of the Members of the Government.

Q.—You would leave it to individual members. You would not have the Government appointing Council Secretaries as a whole. You will allow each Member of Government to appoint his own Council Secretary ?

A.—But the difficulty is my proposals are based on different assumptions altogether.

Q.—You say in paragraph 24 that Council Secretaries will undoubtedly prove useful and so on.

A.—So long as a Member of Government wants to have a Council Secretary and the Governor says, " All right, have him " let him have him. No difficulty would arise.

Q.—Would you maintain the present provision of law that the pay of Council Secretaries should be voted by the Legislature ?

A.—Certainly.

Q.—Don't you think the position of Council Secretaries on the reserved side of Government might be rather difficult ?

A.—The position of a Council Secretary on either side of the Government is difficult so long as the permanent secretaries of the Government and the Heads of Departments are also members of the Legislative Council.

Q.—Why is that ? You know the transferred side.

A.—Because he would have little to do. The permanent Secretaries are in the Council. Most of the Heads of Departments are in the Council. They known a great deal about the business of their Departments.

Q.—Suppose a Council Secretary was appointed in each Department on the transferred side. Then the permanent Secretary will let him take the oath in the Council. Then there would be no difficulty.

A.—Then he would have more to do, and would make himself more useful.

Q.—On the reserved side ?

A.—The same thing.

Q.—He will have more work to do ?

A.—Yes.

Q.—How about his position ?

A.—His position will be also indentical with that of the Council Secretary on the transferred side.

Q.—The results will be just the same ?

A.—I think so.

Q.—Talking of the Official Members of the Council you say that the freedom of vote, which according to the Joint Select Committee's report is theirs, is seldom accorded to them in fact. The vote is ordinarily by mandate. Is that quite consistent with your complaint at the end of paragraph 20 where you complain that the Secretary in charge of a Department took a line of his own ?

A.—In paragraph 24 I described the position as it was.

Q.—You say that freedom of vote was seldom accorded to them. You complain on that account.

A.—I have put it by way of a description of the existing position, not by way of complaint.

Q.—Was it worth mentioning if you had no complaint about it? What would you do about it?

A.—I would remove them from the Council itself.

Q.—But if they are there, what would you do? Suppose there is to be a small official bloc still maintained in the Councils. What would you do with regard to the freedom of vote?

A.—I would treat it as a necessary evil and exercise my judgment as to what best to do with it. I would exercise my judgment on each occasion as to what is the best thing to do.

Q.—I do not quite follow you.

A.—You asked me what I would do with regard to the official bloc if it must be maintained in the Council—whether I would give them freedom of vote or would ask them to vote by mandate. I replied that I would treat it as a necessary evil and that I should decide according to the circumstances of each case whether they should be given freedom of vote or whether they should be asked to vote in a particular way.

(*Mr. Chairman*).—*Q.*—You would have no general rule about it?

A.—No general rule.

Q.—In fact, it will come to this. If the Secretary wanted to vote or speak against you, you would not accord him freedom of vote, but if you thought he was on your side, you would not mind giving him freedom of vote.

A.—That is not in my mind. In the hypothetical contingency which you have mentioned, I said that with regard to the nature of each subject I would decide whether to give them—not one individual, not my Secretary or anybody else, but all the official members—freedom of vote or restrict them to vote in the way the Government might tell them to do.

Q.—I take it that there are subjects in regard to which freedom of vote is justifiable.

A.—Undoubtedly.

Q.—In paragraph 25 you express an opinion that the Standing Committees were no better than the old Advisory Boards. In fact, they were not so good.

A.—That is my opinion.

Q.—Could you explain to the Committee exactly what the difference is between the two?

A.—The Advisory Boards consist of members who may not be members of the Legislative Council, but who, in the opinion of the Government, possess special knowledge and will make themselves specially useful as members of those bodies, whereas Standing Committees of the Legislative Council will have to be restricted in personnel to the members of the Legislative Council. We have, in the United Provinces, a Board of Industries, a Board of Public Health, a Board of Education, and various bodies like these. They consist partly of members ex-officio, and partly of officials and non-officials nominated by the Government and members

elected by the non-official members of the Legislative Council and by outside public bodies like Chambers of Commerce, Landholders' Associations, and so on.

Q.—That is the main difference ? One consists entirely of members of the legislature and the other includes members who are not members of the legislature ?

A.—Yes.

Q.—You think it is better that you should have outsiders ?

A.—Yes.

Q.—Is that entirely consistent with your conception of responsible Government ?

A.—Absolutely. These are advisory bodies.

Q.—There is nothing to prevent a Minister taking outside opinion now ?

A.—Nothing.

Q.—But if there is a body connected with the local Government and in a sense with the legislative too, you still think it desirable to call in members from outside ?

A.—It is not connected with the legislature.—It is a body set up as an administrative act by the Government merely to advise.

Q.—If you had your Advisory Board, would you feel that you can go to the legislature and say, " Here is my proposal ; I put it before the Advisory Board and they approved of it " ?

A.—I can.

Q.—The legislature will say, " We are not responsible for the Advisory Board."

A.—Quite so. I am not prevented from informing the Legislative Council that I am fortified by the support of such a body nor is the Legislative Council precluded from turning down the proposal in spite of the support of that Board.

Q.—Do you think that would help you ?

A.—It certainly has been helpful. It has been found to be so by every Member of Government.

Q.—In paragraph 30 you say that you would abolish the provision in section 80A (3) which requires the previous sanction of the Governor General to certain classes of legislation.

A.—Yes.

Q.—You would abolish it entirely ?

A.—Entirely, or almost entirely.

Q.—That is just what I want to get at. What does the " almost " mean ? Would you have a reservation ?

A.—I am not in a position to give any authoritative reply to that question. I have used the alternative " almost entirely " more as a matter of caution than that I can think of anything specifically to suggest the necessity of reservation.

Q.—You are familiar with section 80 A (3) ?

A.—I was made familiar with it.

Q.—For instance, suppose you introduce a Municipal Bill which proposes as a municipal tax a surcharge of 50 per cent. on income-tax. Do you think you should be allowed to do so without any control whatever ?

A.—It is the local Government that would introduce such a Bill. No non-official Member could introduce such a measure.

Q.—I am asking with regard to a Member of the local Government.

A.—It depends upon the rules, whether the local Government can trespass upon the taxation province of the Government of India.

Q.—My question was, do you think that you, as a Member of the local Government, should be permitted without any control or any requirement of previous sanction to introduce such a measure ?

A.—I see no harm in being permitted to introduce such a measure. You can always veto it.

Q.—You do not advocate prevention rather than cure ?

A.—In the name of prevention rather than cure a great deal of effective and active interference can be kept up.

Q.—You rely on the veto as sufficient ?

A.—Yes.

Q.—Is it not throwing rather an onerous responsibility on the Governor and the Governor General ?

A.—No. I think it is part of their powers, it is part of their privileges, it is part of their responsibilities.

Q.—These are powers which they should exercise if their conscience dictates to them so ?

A.—That is what they do at present, I understand.

Q.—Can you refer me to any Bill in the Central Legislature or in the Provincial Council to which the Governor General or the Governor has refused his assent since the Councils were reconstituted ?

A.—Whether it has been vetoed ?

Q.—I understand veto with regard to a Bill means refusal of assent.

A.—At the introduction stage or after passing ?

Q.—I say, refusal of assent.

A.—If he has not refused assent it must be, because he must have satisfied himself that it was not a case where he should refuse assent. It is my duty to presume that such functionaries as the Governor General and the Governor of a province exercised the power and responsibility conferred or imposed upon them.

(*Mr. Chairman*).—*Q.*—The question was whether you could give any instances of a Governor or the Governor General having refused assent to a Bill ?

A.—There are not many instances of that. You mean refused assent after the passing of the Bill ?

(*Mr. Chairman*).—*Q.*—Assent means assenting to the Bill after it has passed throughout the legislature.

Q.—You say there are not many. Can you cite any instance ? Can you think of one ?

A.—I must go back to the Punjab Colonisation Bill, the Madras Hindu Gains of Learning Bill, the Orissa Tenancy Bill. There is no instance particularly in my province.

Q.—Would not one effect of relying solely on the veto be that there would be an occasion for agitation ?

A.—There could be that occasion for agitation even if sanction to its introduction is withheld.

Q.—But the Bill is not before the public when the question of sanction arises ?

A.—There are various ways in which it will become public.

Q.—I see you suggest that really the best solution is to give power to the Governor or the Governor General to return the Bill for further consideration ?

A.—To retain the power which he now has.

Q.—Has the Governor General got power to return a Bill ?

A.—Yes.

Q.—In all cases ? You need not worry about that. The law is before us.

Q.—You suggest that this is a remedy which will prevent waste of time on important and useful measures of legislation ? Would you like to qualify that at all ? Do you not think that waste of time is prevented by getting this matter of previous sanction settled beforehand ?

A.—I won't regard it as waste of time. The Governor General or the Governor would know what the legislature thought of a measure, when he sits down to make up his mind whether to give his assent or withhold his assent.

Q.—At all events, whether it is a waste of time or not, you will agree with me that there will be more delay than at present in getting legislation through ?

A.—The delay will be minimised in the first instance. Bills will be introduced without enormous wasting. As regards waste of time by discussions, all parliamentary Government involves waste of time by discussions. It cannot be helped.

Q.—You complain about Commissioners, Deputy Collectors, Collectors, disrict officers and so on that they are utilised in the administration of transferred subjects. They themselves are a reserved subject.

A.—Yes.

Q.—But they are utilised in the administration of transferred subjects. What is your remedy ?

A.—My remedy is, in the first place, not to have a distinction between reserved and transferred, and if that remedy is unattainable, or to the extent that it is unattainable, to do away with those rules which require certain places in the departments now transferred to be filled by officers who serve on the reserved side.

Q.—Suppose Law and Order were a transferred subject and you have Excise also as a transferred subject. Would not very much the same difficulties arise between the two departments as arise now ?

A.—The very fact that they are both transferred will do away with the particular kind of difficulties of which complaint is now made.

Q.—Suppose you have one Minister in charge of Law and Order and another Minister in charge of Excise—separate Ministers,—you will still have your executive officers serving two Ministers ?

A.—But they will be Ministers in a joint household.

Q.—Some people think that they were or should have been at all events under the present system.

A.—I do not follow you.

Q.—On this very point you complain that there is not a clear cut division between the transferred half and the reserved half and that there cannot be ?

A.—Yes.

Q.—Is it possible, do you think, to have a clear cut division between a department and a department, leaving aside the question of transferred and reserved ?

A.—I have stated I do not consider it possible, and I should not consider it desirable.

Q.—You do not consider it desirable ?

A.—I do not consider that there should be such a clear cut division between one part of Government and another part of it.

Q.—Well, you say that because you call your member of Executive Council a Minister, all difficulties will disappear ? Because there are four Ministers instead of two Members of Council and two Ministers, a clear cut division between the two departments won't matter at all ?

A.—The precise difficulties of the nature to which attention has been drawn in this part of my memorandum will disappear whether the whole of it are Executive Council members or all are Ministers. Difficulties of another nature may arise, but dyarchical difficulties will not exist in any unitary Government.

Sir Tej Bahadur Sapru.—*Q.*—I take it that you were one of those Indian gentlemen who were examined before the Joint Parliamentary Committee in England when these reforms were under consideration ?

A.—Yes.

Q.—I suppose you and many of your way of thinking approved of the principle of dyarchy on the ground that it afforded you control in some departments and an effective voice or say influence in other departments ?

A.—That is so. Not that we approved of it, but we supported it.

Q.—You supported it on those grounds ?

A.—On the main ground that we had no hope of getting anything better at that time.

Q.—But you will agree with me that one of the grounds which was put forward in favour of dyarchy was that it would give the Ministers control in certain departments and influence in others ?

A.—Yes, that was put forward as an argument against its critics.

Q.—Having worked dyarchy for nearly 28 months you have lost any such love as you might have had for dyarchy at any time during your official experience ?

A.—My dislike of it has increased.

Q.—Can you please explain to me the curious phenomenon that those who disliked it before its initiation at the start now swear by it whereas those who worked it now disapprove of it ?

A.—I think there are two causes for it. The first cause is what I have ventured to state in paragraph 80 in relation to another subject.

Q.—Will you briefly explain that to me ? Those who disapproved of dyarchy at the initiation thoroughly approve of it now and swear by it and those who were prepared to give it a trial, having given it a trial, now entirely disapprove of it ?

(*Sir Sivaswami Aiyer*).—*Q.*—Are you referring to officials ?

Sir Tej Bahadur Sapru.—Officials and others too.

A.—The general ground is that the conservative-minded oppose any innovation when it is proposed and when it becomes a fact they reconcile themselves to it and become its staunchest defenders. Those who are now supporting, I will not say, approving, dyarchy are probably apprehensive that unless they support it and unless they hold the opinion or express the opinion that it is workable something which from their point of view will be infinitely worse than dyarchy may become a fact.

Q.—How will it become worse from their point of view ?

A.—More power will be transferred to the representatives of the people of India.

Q.—Am I right in assuming that when you started on your career as a Minister under this dyarchical system you found that you could depend upon the support of your official colleagues and your secretaries and every one with whom you came into contact as an official and that after a little time you found that things were not quite so favourable ?

A.—Yes.

Q.—That was your general impression ?

A.—Yes.

Q.—I do not want you to make any reference to any single personality by name or otherwise. But would you tell me when this change precisely came about in your official career ?

A.—I think I saw the faint beginnings of it during the discussions on the Oudh Rent Bill.

Q.—When was that ?

A.—It was October-November 1921.

Q.—Am I right in assuming—I am speaking from memory, I remember having read that at the time, it was a subject of great comment here and at Delhi,—that your Government was the only Government at that time which presented the unique spectacle of a member of the Executive Council speaking against a Minister in open Legislative Council ?

A.—That was in November 1922.

Q.—That is to say, against what policy of the Minister did the member of the Executive Council speak ?

A.—It was the question of the quantity of Moslem representation by means of separate electorates provided in the District Boards Bill.

Q.—And how did the voting go on that occasion ?

A.—Among non-official members voting went by creed and community, the Moslem members voting in favour of a particular amendment and non-Moslem non-official members generally voting on the side of the Ministers. The official members in the first division voted as a whole—I think there was only one exception—with the movers of the

amendments, that is, against the Ministers. On the second day the Finance Member made a speech calling upon the official members to vote with the movers of those amendments and against the Ministers?

Q.—That happened openly ?

A.—Yes, but in spite of that certain official members voted with us.

Q.—And I suppose that that instance gave you a very rude shock ?

A.—It was a shock, the more so because that particular Finance Member was himself completely identified with the proposals put forward by the Minister.

Q.—Then can you explain this sudden change of allegiance or love or loyalty ?

A.—I am afraid it is more than I can explain except that I was a victim of it.

Q.—What were your relations generally speaking with the non-official members of your Council ?

A.—Generally speaking, they were very friendly.

Q.—Is it true that you could not have carried on your work as a Minister and also Pandit Jagat Narain unless you received the support of the officials and that the non-official members gave you a cold shoulder ?

A.—It is not true.

Q.—Now, in answer to a question put by Sir Henry Moncrieff Smith you referred to the Allahabad University Act as an example where Delhi and Simla interfered ?

A.—Interfered or sought to interfere.

Q.—Now, will you please tell the Committee whether that was an interference on grounds of policy or on certain legal grounds ?

A.—I have in mind interference or attempted interference on grounds of policy.

Q.—Will you please indicate what was the nature of that interference ?

A.—In the Lucknow University Bill which was passed in the previous year by the unreformed council two sections were inserted, one providing for control by the Governor General in Council in the matter of the recognition by one University of the degrees of another University and one or two other matters and providing also for the composition of Selection Committees in England which should include persons nominated by the Secretary of State and providing for power to the Secretary of State or to the local Government to make the appointments to the University in case that Selection Committee failed to make a recommendation or that recommendation did not meet with the acceptance of the University itself. In 1920 in the unreformed council this was opposed by us non-official members. Our opposition prevailed with the Government in the Select Committee. When the Bill came back before the Legislative Council the Government explained that they were obliged to move to insert those clauses which had been deleted by the Select Committee under orders of the Government of India.

Q.—When was that ?

A.—September 1920.

Q.—That was before the Reforms ?

A.—It is necessary for me to mention this in order to make intelligible what I am going to say in regard to the next year's Bill. In framing the Allahabad University Bill in 1921 under the new system of Government, I, as the Minister responsible, deleted these particular provisions because I had been opposed to them in the earlier Bill. The Bill had to be sent to the Government for sanction to its introduction. Then we received a number of communications, partly postal and partly telegraphic, from your department—you were then the Law Member—and partly from the department of Sir Muhammad Shafi. The gist of these communications was this. "You should restore in this Bill the particular section which you had in the Lucknow University Act, namely, that the Governor General in Council should be the authority which should empower the University to recognise the degrees of other universities."

(*Mr. Chairman*).—*Q.*—Mr. Chintamani, I am sorry to interrupt you. Was that an order or an advice ?

A.—That will come out in the next one or two sentences.

Q.—Were you told that it was the peremptory wish of the Government of India or that it was an order ? Did you interpret it as an advice ?

A.—We interpreted it—' we ' includes the Governor—we interpreted it as advice given by a party who had the power of stopping that legislation at any stage.

Q.—Were you told so ?

A.—On consideration of what appeared to be merely advice at the first stage, we came to the conclusion that we were unable to accept that advice and we informed the Government of India that we did not agree to the insertion of those clauses. But almost on the eve of the introduction of the Bill, there came another telegram which stated : "You please do it. We advice you again. If you do not take our advice, we reserve to ourselves the power to advise the Viceroy to veto the Bill."

Q.—That was treated as a peremptory order ?

A.—That was interpreted by the experienced Governor—I was an amateur—and the permanent officials as a hint that there would be veto unless when the Bill was before the Council these provisions were included. There was anxious consideration and we were anxious neither to lose the Bill nor to insert the clauses. In the end we said to the Government of India that we would not. We decided that if they vetoed it I was to resign my Ministership as well as my membership of the Council and seek re-election on that issue, the battle cry being the interference of the Government of India in a Transferred Department.

(*Mr. Chairman*).—*Q.*—As a matter of fact the Government of India did not interfere ?

A.—No.

Q.—And they yielded to your wishes in this matter ?

A.—Yes. We went forward with our business. The Bill went to the Government of India for the Viceroy's assent. We had to wait for a couple of months. All sorts of apprehensions were afloat—there were communications from Delhi and so forth, and luckily in the end the Bill received the assent and it became law.

(*Mr. Chairman*).—*Q.*—Then you prevailed, Mr. Chintamani ?

A.—Yes, I prevailed. As a matter of fact, until the date of my resignation I prevailed in all matters by showing that I was ready to go out.

(*Mr. Chairman*).—*Q.*—You must then have enjoyed absolute autocracy ?

A.—I would not have been sorry if I had, but it was not so.

Q.—With regard to the standards of the University, what is your view ? Have the standards of the Universities at Allahabad or Lucknow gone down since the new Reforms came into existence ?

A.—No.

Q.—Why is it that it is pointed out that the standards of Universities have been lowered ?

A.—It is not a fact.

Q.—Now, so far as the Allahabad University and the Lucknow University are concerned, they are teaching Universities now ?

A.—Yes. The Allahabad University has also an external side.

Q.—Has the number of passes in these two Universities during the last two or three years been greater than it was before ?

A.—I believe so.

Q.—If the number of passes has been greater, is it a fair inference from that that the standard has been lowered ?

A.—Not necessarily.

Q.—What do you attribute it to ?

A.—I consider that the standard of teaching has considerably increased.

Q.—You have got a larger number of Indian Professors in these two Universities than you had before ?

A.—Yes.

Q.—Most of these Indian professors are men with Honours degrees of Oxford and Cambridge and other European universities ?

A.—And may I add that many of them are I. E. S. officers also ?

Q.—Has there been any undue competition between one University and another in the United Provinces in the matter of admission of students ?

A.—I have neither seen it, nor perceived it, nor heard of it, nor do I believe it.

Q.—So far as Benares and Aligarh Universities are concerned, they had nothing to do with you ?

A.—Nothing whatever.

Q.—They were in charge of the Central Government ?

A.—They are only geographically in the United Provinces.

Q.—But in fact in charge of the Central Government ? Then I suppose this cry that the standards have become lowered goes back to the time of Lord Curzon and whatever you may do the cry will remain there ?

A.—But hope triumphs over experience.

Q.—Would you please tell me whether there was anything in the Universities Conference Report here—I do not know, you may have read it—which showed that the standards had been lowered ?

A.—All that I could make out from the newspaper reports that I have seen was this, that an apprehension was expressed that the increase in the number of Universities might lead to a lowering of standards.

Q.—It was not positively found ?

A.—It was not stated as a fact to the best of my knowledge and belief.

Q.—I will leave the question of Universities. Will you please tell the Committee what was the state of education, primary education, in the province when you joined your office and what was it like when you left it ?

A.—Except that some more money has been spent and some more schools also have been opened I do not think there has been any very material difference. I may just mention that compulsory education has been introduced in several municipalities during that period.

Q.—I am told that in certain quarters the view is held that there was a tremendous waste of several lakhs of money on primary education and secondary education ?

A.—I know about that complaint.

Q.—How do you meet that complaint ?

A.—It has been greatly misinterpreted. In his Annual Report for the year 1921-22 the Director of Public Instruction in the Chapter on Primary Education pointed out that a large number of students left school at the end of the lower primary stage ; that that was practically a waste and they should by some means or other be induced to study till the end of the upper primary course. Proceeding, he said, that the voluntary basis experience did not give him much hope of success in getting an increase of attendance in the upper primary course and that in compulsion lay the remedy ; and so long as that remedy was not applied and this wastage of stopping education at the end of the lower primary stage continued, it might be said that money was being wasted. The Government did not accept his view of the matter about this waste of money. Doubt having arisen in the minds of several members of the Government as to what exactly the Director meant, the report was referred back to him and he was asked to explain his meaning. He replied to say that he did not at all mean that present efforts should be abandoned, he did not mean that the expenditure should be reduced that all that he meant was to spur on the Government to introduce compulsory education even in rural areas. In the Resolution of the Governor acting with his Ministers on that Report of the Director of Public Instruction it is very clearly explained that the meaning is not that money is being wasted or that the expenditure should be cut down, that present efforts should go on and increased effort should be made on the voluntary basis until we are able to introduce compulsion.

Q.—So that I take it that they misrepresented that the Director's opinion was that the money was being wasted ?

A.—I should think so, because there is the Director's explanation that it was not his meaning.

Q.—With regard to secondary education, I think you introduced Secondary and Intermediate School Education Act ?

A.—Intermediate Education Bill.

Q.—That was passed ?

A.—Yes.

Q.—And in accordance with that a number of Intermediate Colleges were established ?

A.—Yes.

Q.—And I suppose it was done because the Sadler Commission recommended it ?

A.—Yes.

Q.—And they looked upon that step as a step towards efficiency and the raising of the standard of education ?

A.—Yes.

Q.—And you have carried that out ?

A.—Yes.

Q.—How many Intermediate Colleges have been established in the United Provinces during your term of office ?

A.—About half a dozen private High Schools were given aid to add Intermediate Classes. Two or three Government colleges were established and afterwards we were stopped for want of funds.

Q.—With regard to the question of landlord and tenant, there is a Tenancy Bill under consideration now for the province of Agra ?

A.—It has not been introduced.

Q.—It has been under consideration for a number of years ?

A.—Since 1910.

Q.—What is it exactly that the tenants in the province of Agra demand ?

A.—They would like to have occupancy tenure. In all circumstances they would like to have security of tenure and safeguards against frequent and unreasonable enhancements and evictions.

Q.—Whenever there was controversy between landlords and tenants in your Legislative Council on anyone of such matters, what was the attitude of the middle class members of councils ?

A.—Pro-tenant.

Q.—But I suppose you will agree that there are a certain number of enlightened landlords, zemindars, in your province who would favour justice being shown to the tenants ?

A.—That is so.

Q.—Now, I suppose you are fairly familiar with the United Provinces ?

A.—I hope so.

Q.—You know practically every district ?

A.—I have been to every district except one.

Q.—Now, would you please tell the Committee exactly what the position of the depressed classes in the United Provinces is at the present moment ?

A.—The problem of the depressed classes in the United Provinces is very different from the same problem in other parts in this respect, that in the United Provinces the class of what may strictly be called untouchables is strictly limited. They have not a tenth of the grievances which the corresponding classes in the southern districts of the Madras Presidency

and the South West of the Madras Presidency have. Their complaint is not untouchability, but lack of education and certain customary restrictions imposed upon their freedom of movement owing to the caste system.

Q.—Will you tell me what is the attitude of the educated classes towards these ? Are they alive to the necessity of solving this problem ?

A.—They are keenly alive and are becoming increasingly alive to it every day.

Q.—They are not shutting their eyes to it ?

A.—Not at all.

Q.—And will you please tell me whether any steps were taken by the Council as it was before the Reforms or by the Government as it was before the Reforms in the United Provinces for raising the status of the depressed classes ?

A.—I was aware of no special steps. I was the non-official member who moved a resolution in the Council for special grants.

Q.—When was that ?

A.—It was I believe in 1918 or 1919.

Q.—That is, before the Reforms ?

A.—Yes. My resolution was opposed on behalf of Government by Mr. O'Donnell.

Q.—Am I right in assuming that whenever any question on primary education was raised in the old Council in the United Provinces, the greatest opposition came from the official side ?

A.—Undoubtedly it is so. I would recall to your mind what is called the Piggott Primary Education Committee and the Government Resolution thereupon issued in 1914 and the setback which primary education received on that account until Sir Harcourt Butler rescinded it and introduced a new policy.

Q.—As a matter of fact it used to be the practice in the old Councils of the Minto-Morley time that non-official members year in and year out raised discussions about primary education and the official reply was " No ; it is not right to multiply schools on the ground of efficiency ".

A.—They were against aided primary schools on the ground of efficiency. They adopted a policy of closing down aided and of encouraging District Board primary schools. They also said that the number of District Board primary schools should be just so many as funds permitted and just so many as the number of teachers available permitted. They created what were called school circles and they said that there must not be more than one full primary school within that area. It was only when that primary school had a minimum attendance of so much that the Government allowed another school to be opened. This policy was in force from 1914 to 1918.

(*Mr. Chairman*).—*Q.*—What was the object of that policy ?

A.—The object, as explained in the Government Resolution, was that the policy should be to have fewer schools and more scholars, greater efficiency and less expenditure.

Q.—What was the result of that policy ?

A.—The result of that policy was a decrease in enrolment as well as the decrease in schools. The negative policy of closing down aided primary schools operated all right but the affirmative side of opening District Board schools remained virtually in abeyance.

Q.—Leave aside primary education. You were in charge of the Industries Department ?

A.—So much of it as was transferred.

Q.—Were you able to establish a Technological Institute at Cawnpore ?

A.—Yes, it was opened in my time but the proposal was an old one.

Q.—When did the proposal really begin ?

A.—In 1907.

Q.—And there was a repeated demand for the establishment of a Technological Institute between 1907 and 1920 ?

A.—And there were repeated refusals.

Q.—I take it that at one time the answer was that no suitable Principal could be had from England for the Technological Institute ?

A.—That was put forward in a Government Resolution in 1914.

Q.—But you were able to discover some sort of a Principal ?

A.—He was discovered by Sir Harcourt Butler under the old Government, but with some modification. They converted the idea of a Technological Institute into that of a Research Institute. They reduced its importance and proportions altogether. Then there was agitation which was followed by the appointment of a Committee. It was in 1921 that the original resolution was restored that it should be a Technological Institute and the same principal who was brought over for the Research Institute still continues in the Technological Institute.

Q.—I suppose you were very much interested in the development of industries in the United Provinces ?

A.—Yes.

Q.—Can you very briefly tell the Committee whether you took any steps for the development of your industries ?

A.—I took all the steps which were open to Government.

Q.—Will you just give us two or three instances ?

A.—We opened a Technological Institute and a few more industrial schools in the districts. We gave aid to District Boards and private bodies which maintained industrial schools and industrial classes. We gave scholarships to pupils. We also framed a comprehensive programme of technical education for the entire province with the very hearty concurrence of Sir Harcourt Butler.

Q.—That will do for my purpose. Were you supported in this programme by the non-official members ?

A.—Yes, through and through.

Q.—With regard to the electorate. What has been your experience in regard to the electorate ? Did you find the electorate sufficiently intelligent to understand ordinary problems of local administration ?

A.—They understood their local problems all right. They further understood which was the member to whom they wanted to give their vote.

Q.—Did you find the non-official members of your Council going about to people or educating them by delivering lectures ?

A.—Some of them did and some of them did not.

Q.—Do you think that you are justified at the present stage of the intelligence and education of the electorate in demanding a revision of the constitution ?

A.—Yes, I think so.

Q.—How ?

A.—It has been my conviction for many years and it is still more strongly my conviction to-day, that the education of the electorate will only make progress when the control of Government policy is transferred from the hands of the permanent British officials to those of the representatives of the legislature. So long as it is made a condition precedent to constitutional advance that there must be a wider diffusion of education among the electorate, then we shall be moving in a vicious circle. In no country, if my understanding is not hopelessly incorrect, is the electorate expected to be able to form a due appreciation of every political issue that comes before Parliament. The function of the electorate is to be able to send an intelligent candidate to Parliament, who should be able to discuss the problems as they arise. It was on this ground when in connection with the Parliament Act of 1911 a referendum was proposed, that Lord Morley opposed it on the ground that the electorate was expected only to distinguish between one candidate and another and not to decide upon complicated issues. To this extent our electorate is quite satisfactory.

Q.—You said just now that a due sense of responsibility among the electorates and among the members would not spring up unless the subjects which are now controlled by the reserved half of the Government are transferred to the control of the transferred half ?

A.—I have not put it exactly in that form. I do not say that they are irresponsible now. They have a sense of responsibility even now.

Q.—Suppose Law and Order was transferred. What do you think would be the attitude of the non-official members of your Council on any critical occasion if it became necessary for the Minister to take any strong action either by legislation or otherwise ?

A.—Their attitude would be more or less the same as at present, namely, when the Government or Minister is able to convince the Legislative Council that an occasion has arisen for employing stringent measures and that it is not proposed to employ measures more stringent than the necessities of the situation demand, then the Legislative Council will give its support to Government.

Q.—Do you think it is correct to say that their attitude is one of hostility towards law and order ?

A.—I do not accept the proposition that their attitude is one of hostility to law and order. It would be far more correct to say that it is a critical attitude towards the measures proposed and employed by the executive Government for what they call the maintenance of law and order. If I may be permitted to add one more sentence to this I would say that the Legislative Council will not be worth its existence if it is not critical.

Q.—If you were told that it was possible to remove defect A, defect B, defect C and defect D in the working of the present system by amendment of the rules or by minor amendments of the Act, would you be satisfied with that ?

A.—I would not be satisfied with that.

Q.—Then what is it that will satisfy you ?

A.—Nothing will satisfy me which is short of complete responsibility in the provinces and responsibility in the Central Government in all matters of civil administration.

(*Mr. Chairman*).—*Q.*—I just want to put one question in view of your statement to Sir Tej Bahadur Sapru. I gathered—I hope I am correct in so gathering—that your 28 months in the Ministry led to great educational, industrial and other progress ?

A.—I did not say that.

(*Mr. Chairman*).—*Q.*—I gathered that from your answer ?

A.—I said it was a period of active effort. I did not say that the results were much.

(*Mr. Chairman*).—*Q.*—Still you mentioned a good many things ?

A.—I could not help them. But if you catalogue all of them, they will not come to much.

(*Mr. Chairman*).—*Q.*—Were the results of your Ministry great ?

A.—The results were moderate but the struggle was great.

(*Mr. Chairman*).—*Q.*—Still there were some results ?

A.—Of course there were.

(*Mr. Chairman*).—*Q.*—The results were more than they were in the previous administration ?

A.—In the Transferred Departments undoubtedly.

Further examination of Mr. Chintamani was postponed till Tuesday, the 19th August, at 10-30 A.M.

Tuesday, 19th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Examination of Mr. C. Y. Chintamani.—contd.

(*Mr. Chairman*).—*Q.*—I understand you want to make some slight alterations in your evidence, in regard to two points A and B. As regards B there is no difficulty. As regards the first one, I should like you to make your meaning plain. We were talking about securing the interest of the rural population by increasing the urban representation. My question was : " You say that the best way of securing the interests of the rural millions is to increase the urban representation ? " and then I asked : " On the ground that the landlords are too selfish representatives ? " and you said " yes ". You wish to explain that ?

A.—I meant only to convey that the landlords' interests in the matter of the relations of landlord and tenant are not always identical with those of the tenants, and therefore they cannot be the best representatives of the tenants. My simple " yes " might convey a heightened impression of what I meant to say.

(*Mr. Chairman*).—*Q.*—You do not think they are selfish ?

A.—There are selfish men among them, as there are among other classes.

(*Mr. Chairman*).—*Q.*—What you meant was that they had different interests ?

A.—Class interests.

(*Mr. Chairman*).—*Q.*—Class interests are so great that they make them deal with the matter unfavourably ?

A.—Yes.

Sir Sivaswamy Aiyer.—*Q.*—I will take you in the order of your Memorandum. First of all with regard to the rules of executive business, you say you got the more important rules adapted to your requirements, but still the rules are not wholly in conformity with the Act or with the instrument of instructions to the Governor. Can you kindly tell me in what respects ?

A.—The Act lays down that the Governor shall act on the advice of Ministers, except in certain contingencies. The Instrument of Instructions is an explanation or an expansion of the section of the Act containing more detailed guidance for the Governor. In the Rules of Executive Business the Governor's control over Ministers or the necessity of the Governor concurring with the decision of a Minister before that decision can be given effect to is emphasized at every point. For instance, no order of a Member of the Board of Revenue or the Commissioner of a Division or the Head of a Department in any important matter can be overruled by a Member of the Government, except with the previous concurrence of the Governor.

Q.—You have referred to all that in your Memorandum. I wish to know particularly in what respects the rules are not in conformity ?

A.—This is the main point. The illustrations are given in subsequent paragraphs. The main point in respect of which the Rules of Executive Business are in my view not in strict conformity with the Act is that they take away from the right of independent decision which should be left to the Minister and bring in the necessity of the Governor's sanction or concurrence or control at almost every step.

Q.—And the Minister is practically kept in leading strings ?

A.—It entirely depends on the Governor whether he is or not, but the rules permit him to.

Q.—Did you make any complaint to the Governor about the rules of Executive Business ?

A.—I did not for this reason.

Q.—I mean the present Governor ?

A.—The present Governor wanted to go back upon the rules to the disadvantage of the Ministers and it was about as much as the late Ministers could do to get him to let the rules remain as they were.

Q.—Did you make any complaint to the present Gvoernor that the Rules of Business infringed upon the rights of Ministers ?

A.—I cannot tell whether I made a specific complaint, but a general statement to that effect I made more than once.

Q.—You had joint deliberations with the Members of Council ?

A.—Yes.

Q.—Was it confined to matters with which both halves of the Government were concerned ?

A.—No, it was not confined in the first instance.

Q.—But later on ?

A.—Later on that was the tendency, and since the present Governor came that has become almost a settled rule.

(*Maharaja of Burdwan*).—*Q.*—What is the practice of the present Governor ?

A.—The practice was to limit joint deliberation to subjects of common interest to both halves of the Government.

Q.—On subjects where important questions of policy affecting one-half of the Government and not the other are concerned, have there been joint deliberations ?

A.—Not during the last seven or eight months of my tenure of office.

Q.—Is that in accordance with the spirit of the Act or of the Instrument of Instructions to the Governor ?

A.—I cannot tell whether it is in accordance with the spirit of the Act, nor am I quite certain about the Instrument of Instructions, but it is not in accordance with the instructions of the Joint Select Committee.

Q.—Take sections 45A (*d*), 49 (2) and 52 (3), they all speak of the Governor and the Ministers in the plural and seem to contemplate the Governor acting with the Ministers collectively ?

A.—That was not the view taken by the Governor himself. He seemed to understand the use of the plural here as being merely the distinction between the Executive Council and the Ministers, not that he was obliged thereby to take the Ministers as a Ministry, as a corporate body.

Q.—Refer to section 46 (1).

A.—All this has been interpreted to mean that in transferred subjects it is not the Executive Council but the Ministers that is referred to, but in specific subjects the Minister in charge of the subject.

Q.—The plural is read distributively ?

A.—Yes.

Q.—There have been very few meetings I suppose of the Ministers jointly with the Governor ?

A.—Very few.

Q.—There is nothing in the Act to prohibit the principle of joint responsibility among the Ministers ?

A.—I daresay.

Q.—While there may perhaps be nothing to require it according to a narrow construction, there is nothing to prohibit it ?

A.—No.

Q.—Is there any difficulty in enforcing the principle of joint responsibility among Ministers ?

A.—It depends on the selection made of the Ministers. If the Ministers are selected from opposite or different political parties there may be difficulty.

Q.—That is not the principle on which Ministers ought to be selected ?

A.—Not the principle.

Q.—You say in paragraph 4 that you had no weekly meetings of the Governor and the two Ministers and you were not consulted about important measures and so on. Did you protest about it ?

A.—I did.

Q.—But without avail ?

A.—With regard to the Military Requirements Committee the explanation given to me was that the Government of India wanted the opinion of the Governor, not of the Government.

Q.—Only of the Governor ?

A.—And that the Finance Member, who gave evidence before that Committee, did so not as a representative of the Government, but as a personal representative of the Governor.

Q.—Not even of the Governor in Council ?

A.—No.

Q.—And about the Oudh Rent Bill ?

A.—About that there were joint deliberations.

Q.—And about the Arms Rules did you protest ?

A.—No, matters had gone so far that a protest was not considered of any use.

Q.—In paragraph 5 you say, however anxious the Governor might be to conduct the Government as one whole, it was not in his power to override the provisions of the Act ?

A.—This was what the Governor said. 'They were reminded on occasions that, however much the Governor might be anxious, it was not in his power', etc.

Q.—Were you told which were the provisions of the Act which stood in the way ?

A.—No, I was only referred to the Act.

Q.—In paragraph 6 you say the spirit of the Government underwent a disagreeable transformation. Do you know why ?

A.—It can only be a matter of conjecture on the basis of probabilities.

Q.—Was it in reference to any orders received from higher authorities or on his own responsibility ?

A.—I never heard of any such orders.

Q.—Have you ever heard of any legal opinion prohibiting such joint deliberation or anything of the kind ?

A.—I do not think any legal opinion was taken on the matter.

Q.—In paragraph 8 you refer to cases of friction. Have you ever been overruled in your own Departments ?

A.—Yes, I have been.

Q.—Have you given any instances ?

A.—I do not remember whether I have given any instances in the following paragraphs. But I put it in two forms. Where I was overruled in any matter to which I attached importance as involving any question of policy, I made further representations or remonstrances to the Governor, and I also made it clear that if he insisted on his over-ruling, he must accept my resignation. Then he waived his opinion in favour of mine in order to avert resignation.

Q.—I mean whether you were overruled finally ?

A.—I was overruled finally in small matters to which I did not attach much importance.

(*Mr. Chairman*).—*Q.*—Matters of detail ?

A.—They might be said to be matters of detail, ordinary matters of administration.

Q.—You say you were overruled in small matters. Perhaps, according to the spirit of the Act, they are just the matters in which you ought not to have been overruled ?

A.—I think they are matters which need not have gone to the Governor at all. In fact that was the opinion of one of the secretaries. His opinion did not prevail with the Governor.

(*Maharaja of Burdwan*).—*Q.*—In this particular matter in which you say you were first overruled, in the end you got your Governor to agree with you ?

A.—He accepted my view, did not agree with me.

(*Maharaja of Burdwan*).—*Q.*—Well, that was tantamount to agreeing with you in this much that he had to accept your decision on the subject.

A.—Well, he accepted it unwillingly in certain cases.

Q.—He let you have your way ?

A.—He let me have my way.

Q.—You complain frequently of not being taken into confidence on the reserved half. I suppose you were not very keen on poking your nose into your colleagues' departments unnecessarily ?

A.—Never.

Q.—I suppose what you refer to is general questions of policy with regard to which the Joint Select Committee contemplated a joint deliberation, so that the Government might be in possession of the wishes and opinions of the popular half ?

A.—Yes that is one part of it. The greater complaint was that we were in certain matters being taken into consultation at the earlier stages and afterwards left out of it, and that involved us in trouble.

Q.—Inconsistency and want of uniformity in practice ?

A.—Yes.

Q.—You recognise that if each Member or Minister insisted upon knowing everything that takes place in his colleagues' departments there could be no convenient despatch of business ?

A.—Quite so.

Q.—And did you consciously depart from that principle ?

A.—Never to the best of my knowledge.

Q.—You complain about the ways of the Finance Department. Can you give any instances in which the Finance Department acted unfairly in your opinion or unjustly towards your departments ?

A.—Without trying to recollect numerous cases I cannot give any illustrations now ; but there are two points. In the first place, the avoidance of any new expenditure, as well as the reduction of present expenditure, was sought to be enforced too rigidly, at the same time that we were given no information as to whether the same thing was being done in the Reserved Departments. In the second place, we were not permitted even to go before the Finance Committee with some of our proposals.

Q.—All that you have stated in your memorandum. What I want to know is, can you give any instances in which they acted unfairly or unjustly towards your departments ?

A.—I think I have given many instances.

Q.—In regard to your departments ?

A.—Yes. For example, after making a cut of several lakhs of rupees even in the existing Budget for 1922, I was still forced to surrender two more lakhs from Education. It was only averted by my insisting on resignation.

Q.—But you did avert it ?

A.—A simple Yes or No does not convey my meaning. My point is that where a member of the Government can only avert such things by constant offers to resign it is not a wholesome system of government.

(*Maharaja of Burdwan*).—*Q.*—Mr. Chintamani, you said that not only did the Finance Department keep down expenses in your department but you were not aware as to whether they were cutting down the expenses of the Reserved Departments at the same time. I want to know whether in Mr. Chintamani's province the practice was not followed that even when the Finance Department wanted to cut down expenditure the Finance Member did not have a joint meeting of the two halves of Government. Didn't you all join together and the Finance Member say—it may be after six months or eight months—" We have got to cut down our figure by 2 lakhs ; how much can you cut down, and how much you ? " That is the system followed in Bengal, and that is why I am asking you.

A.—It was followed at the time of the preparation of the Budget.

(*Maharaja of Burdwan*).—*Q.*—Not only then but some time in the middle of the year.

A.—No it was not followed.

Q.—But even in the case of the Reserved Departments themselves, the Finance Member generally tries to cut down expenditure, you know that ?

A.—I suppose he does.

Q.—I daresay you know Mr. Gladstone once said that estimates are always settled at the dagger's point ?

A.—Yes.

Q.—So it may happen that even with regard to the reserved half of Government, a threat of resignation is perhaps a necessary weapon of defence against the Finance Department's interference ?

A.—It may be so. That applies to the earlier months of the year when the Budget is prepared for the coming year ; but the other complaint is that in the middle of the year when new expenditure is incurred we had absolutely no means of knowing until the supplementary estimates were laid on the table of the Council whether on the reserved side new expenditure was being sanctioned or not.

Q.—Now you think inasmuch as the Finance Member is a member of the reserved half of Government there is a natural bias in favour of the reserved half of the administrative departments over which he exercises control ?

A.—I think it would be so.

Q.—You are not attributing any conscious bias, but a natural human bias ?

A.—In one case at least there was also a conscious bias. That was the insistence of the present Finance Member on a very substantial reduction of expenditure on primary education.

Q.—And you think that was due to conscious bias ?

A.—He argued that it was a deliberate waste of money.

(*Maharaja of Burdwan*).—*Q.*—Was that the case in which he openly challenged the Minister's policy in your department ?

A.—Yes.

Q.—But as a matter of fact the Finance Department has an incurable propensity to poach upon the administrative sphere ?

A.—I fear it is so.

Q.—And do you think it would be completely cured by your remedy of a constitutional Governor ?

A.—No, the incurable bias of the Finance Department as you have put it, that will not be cured by it but the Ministers will have greater remedies in that case.

Q.—I suppose you want the Finance Member to hold no other portfolio ?

A.—If it is to be a dyarchical constitution, then he should hold no other portfolio.

Q.—Take the Government of India.

A.—I would have no objection to his holding revenue portfolios, but not expenditure portfolios.

Q.—But even in the revenue portfolios there are heads of administrative expenditure. Suppose you had a Finance Minister without charge of any other portfolio, would that be a remedy ?

A.—That would be a complete remedy. At the same time, if that Finance Minister has not a whole day's work to keep him employed, it would be a costly remedy.

Q.—But would it not be worth purchasing ?

A.—It depends.

Q.—Will you just refer to the paragraph of your memorandum in which you refer to Lucknow—at page 23. Now what I want to know is this—is Lucknow the real capital ?

A.—It is now the *de facto* capital.

Q.—And Allahabad the *de jure* or nominal capital ?

A.—I call it the divorced or widowed capital.

Q.—For how many months in the year does the Government spend its time at Lucknow ?

A.—Practically throughout the cold weather ; only last year the Government spent one month at Allahabad.

Q.—And what is the time usually spent at Allahabad ?

A.—Last year it was about one month ; during the previous 5 years it might be anything between a week and a month. Not the Government but the Governor. In those years the Secretaries to Government, etc., spent not one day in the year at Allahabad, I believe.

Q.—And do you mean to say the Finance Department sanctioned the payment of daily allowances to three Secretaries and sundry other officials for being in camp at headquarters at Lucknow ?

A.—I presume it had been sanctioned ; it might have questioned it and then been overruled by the Governor. At any rate, the fact of payment is there.

(*Mr. Chairman*).—*Q.*—One question about this matter of the capital. I suppose the expenditure on the Council Chamber came before the legislature ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—It was voted ?

A.—Yes.

Q.—Did you ever bring this matter to the notice of the Governor—the payment of daily allowances to Secretaries for being at their headquarters ?

A.—All matters connected with and incidental to this subject I brought to the notice of the Governor more often than I can remember.

Q.—But the Finance Department I suppose blinked at it.

A.—I did not bring it to the notice of the Finance Department but of the Governor.

Q.—Now has there been any complaint that Reserved Departments have suffered in the distribution of funds ?

A.—There has been a complaint by the Reserved Departments or rather by the Members in charge of Reserved Departments.

Q.—In your opinion was there any foundation for that complaint ?

A.—In certain matters there might be.

Q.—But not speaking in general terms and on the whole ?

A.—No.

Q.—Take the case of particular departments, such as the Police—has that suffered ?

A.—They say it has, as the full amount of new expenditure was not sanctioned by the Legislative Council.

Q.—And do you know whether it was justly refused by the legislature ?

A.—In my opinion the Legislative Council's refusal of a part of the extra expenditure was thoroughly justified.

Q.—What was it about ?

A.—The appointment of an Additional Deputy Inspector General of Police, the purchase of motor lorries and other conveyances or conveniences, in order to increase what they called the mobility of the police, and some other items.

(*Mr. Chairman*).—*Q.*—Had you seen the papers of the Reserved Departments on that point ?

A.—I believe not. I think I only heard the discussion in the Legislative Council. I did not see the papers.

Q.—Are you in a position to say that those proposals for the mobility of the Police were not justified and that the refusal of the Council was quite fair and arrived at with a full appreciation of its responsibility ?

A.—The proposal was first put before the Council as a matter of temporary emergency and the Council was told that it would not be an item of recurring expenditure, and the Council sanctioned it. Afterwards they wanted to make it permanent and they wanted also an increased amount as a permanent feature, which the Council was not prepared to sanction.

Q.—Which item ?

A.—I am now speaking of the motor lorries and other things. As regards the Additional Deputy Inspector Generalship, they went up first to the Council to sanction it for six months or something like that. There was some discussion, but the Council yielded on the distinct promise that the post would not be renewed after the expiry of that period.

(*Mr. Chairman*).—*Q.*—Why did they want these lorries ?

A.—To be able to send the police more quickly to places where breaches of peace were apprehended.

(*Mr. Chairman*).—*Q.*—Were there any breaches of the peace at the time they asked for these things as a temporary measure ?

A.—There had been one or two riots.

(*Mr. Chairman*).—*Q.*—Serious riots ?

(*Sir Henry Moncrieff-Smith*).—*Q.*—Agrarian riots.

A.—Yes, agrarian riots. When the period for which sanction was asked for had expired or was about to expire, and the Council enquired about the matter, it was met with the reply that the Secretary of State had sanctioned the creation of the post as a permanent measure. Then the Council inquired whether it was at the request of the Local Government after the promise that was made to it that the post would not be renewed. A sort of reply was given but actually, after the promise to the Council that the post would not be renewed, the Government went up for the Secretary of State's sanction and obtained it and it became a non-votable item.

(*Mr. Jinnah*).—*Q.*—Was it justifiable after the period had expired ?

A.—I do not think so.

(*Mr. Chairman*).—*Q.*—You have not seen the papers ?

A.—I do not think it was a justified expenditure.

Q.—Has the judiciary suffered in the distribution of funds ?

A.—I do not know whether it has suffered in the distribution of funds.

Q.—In the allocation of funds ?

A.—It is a fact that the number of additional Sub-Judges and Munsifs asked for by the High Court was not given or was given only in part on the plea of want of funds ?

Q.—The cause is want of funds ?

A.—That was the cause that was given.

Q.—Was there any disposition to grudge expenditure on Reserved Departments ? Is that the reason ?

A.—Grudge expenditure on Reserved Departments ! I wish it was so.

(*Mr. Chairman*).—*Q.*—You think it was not.

A.—No.

(*Mr. Chairman*).—*Q.*—I should like to put one question to you. Would you not consider it rather a serious thing if the High Court asks for Judges and Munsifs and the Executive Department does not find them ?

A.—It is a serious matter. If I had been on that side, I would not have refused it.

(*Mr. Chairman*).—*Q.*—Well, it was refused ?

A.—Yes.

Q.—Do you think the refusal right ?

A.—I do not consider it right and I consider that funds could have been found by economising elsewhere.

(*Mr. Chairman*).—*Q.*—In fact, if you had been in charge of that Department, you would have acted differently ?

A.—Yes, if I had been in charge of that Department, I would have found savings elsewhere but would have complied with the demand.

(*Mr. Chairman*).—*Q.*—If you had been in charge of that Department, you would also have seen the papers ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—And perhaps, you might have drawn a different conclusion after seeing the papers ?

A.—It is quite possible, but the Member in charge did not plead that the demand of the High Court was unnecessary. He only pleaded want of funds.

(*Mr. Chairman*).—*Q.*—That was a financial matter ?

A.—It was the Member in charge who pleaded it. He did not say that the High Court made a superfluous or unnecessary demand.

(*Mr. Chairman*).—*Q.*—You saw the papers in that case ?

A.—This was said in the Council.

Q.—You had not seen the papers ?

A.—No.

(*Mr. Jinnah*).—*Q.*—Can you have access to those papers ?

A.—I could have asked for them.

(*Mr. Chairman*).—*Q.*—Did you ask for them ?

A.—I did not consider the necessity of asking for them as there was no difference of opinion so far as the necessity of the measure went.

Q.—Is it true that money was freely spent on the comparatively less urgent needs of the Transferred Departments ?

A.—I do not think so, except so far as the obligation to keep up a certain number of Imperial Officers went.

(*Mr. Chairman*).—*Q.*—Would you dismiss those Imperial Service Officers ?

A.—I would not dismiss them. I would have economised by making reduction in the cadre. The post would not be filled after the substantive holder vacated it.

(*Mr. Chairman*).—*Q.*—There would have been no immediate economy ?

A.—Substantive vacancies did occur. If we had the power, we would not have filled them or we would have filled them with Provincial Service officers. What I mean is this. Where an office was considered to be superfluous and where there was a substantive vacancy by the retirement of the officer holding that post, the Local Government, if they had the power, would have abolished that post. If, on the other hand, the Local Government felt that the post was necessary, but the duties of it could be discharged by a lower-paid Provincial Service officer, they would have made that arrangement.

Q.—In connection with the Motor Vehicles Tax, you say there was objection on the ground that the proceeds of a tax could not be ear-marked for a particular purpose.

A.—Yes, they said it was objectionable in principle according to sound financial canons to insert a section in the Act itself that the proceeds should be reserved for a particular purpose.

Q.—Do you know as a student of politics whether it is unknown in English practice ?

A.—It is not unknown.

Q.—And as a matter of fact, are you aware that in Madras there is a road cess levied under the District Boards Act the proceeds of which are reserved for a particular purpose ?

A.—Yes. Also in Bengal there is the Chowkidari cess.

Q.—What is the composition of the Finance Committee ? How many non-elected members were there ?

A.—Four, 8 elected and 4 non-elected.

Q.—How many officials were there ?

A.—Two, the Finance Member and the Finance Secretary.

(*Mr. Jinnah*).—*Q.*—Over and above the 12 ?

A.—These are included in the 12. The other two were Non-Official Members of the Council nominated by the Governor.

Q.—There were no special members representing the reserved side except the Finance Member and the Finance Secretary ?

A.—No.

Q.—But the Finance Member was himself in charge of administrative Departments ?

A.—Yes.

Q.—You say in paragraph 20 that the Finance Member sprang a surprise upon the Minister by actually speaking in open Council against the position taken up. What is the Bill or measure you refer to here ?

A.—The District Boards Bill.

Q.—You have referred to it with regard to some amendment ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Did any Minister ever speak against a government measure ?

A.—No, except on that day when I replied to the Finance Member after he had spoken. That was not spoken against the Government but against the Finance Member.

Q.—Rule 10 of the Devolution Rules which speaks of the Minister in the singular with regard to the services—do you think that it is in conformity with the spirit of the Joint Select Committee's report ?

A.—I never thought so.

Q.—On page 16, paragraph 31, you refer to some other rule. You say : 'In the second place, I have to bring to the notice of this Committee that there is another rule which lays down that any change in the conditions of recruitment and service of officers of provincial services can

only be made by the Governor in Council and not by the Governor and Ministers even when those services relate to transferred subjects." Where is that rule ?

A.—Up to the date of my resignation it was not published for general information. It was received by the Local Government.

Q.—But not published ?

A.—No.

Q.—You are aware of it ?

A.—It was shown to me at a meeting of the Government.

Q.—Did you ever ask that that rule should be published or did you suggest it ?

A.—It was not in the power of the Local Government to publish it.

Q.—It was received as a secret document ?

A.—The Local Government had to treat it so. Publication had to be made by higher authority.

(*Mr. Chairman*).—*Q.*—With reference to this rule, I am informed that this rule does not exist. You are sure that it was not a draft rule ?

A.—It was a draft rule that was shown to me, but along with it there was a letter from the Government of India which was also shown to me. That letter said that the Government of India had submitted that rule along with a number of other rules for the sanction of the Secretary of State and that pending receipt of the sanction the Local Government should act as if the rule had already been sanctioned.

(*Mr. Chairman*).—*Q.*—There seems to be some difference of opinion. At any rate there is no such rule. It was never made.

A.—I am stating the facts as they occurred in my Government. And about 18 months later, when actually a case came up, I was told that the rule was in operation and therefore it was only the Governor in Council who could act, not the Governor and the Ministers. It was a matter relating to the Women's Provincial Educational Service.

Q.—You say that the rule was in force ?

A.—Yes.

Q.—Was it in force under what I may call the temporary orders of the Government of India or did it come into force invested with all the authority of the sanction of the Secretary of State ?

A.—That I do not know and I did not enquire about it. I was informed that it was still in force.

(The President told Sir Sivaswamy Aiyar to leave the point and that he would make inquiries about it.)

Q.—On page 18, paragraph 37, in speaking about posts reserved for the I. C. S. officers, officers serving in Reserved Departments and so on, you speak of the Excise Commissionership. Were the officers men without previous excise experience ?

A.—Persons appointed as Excise Commissioners ? It must have been so except to the extent that as District Officers they acquired some experience.

Q.—Were officers appointed as Excise Commissioners who had never had anything to do with the Excise Department before ?

A.—Except in the capacity of District officers.

Q.—That is what I mean. It that so ?

A.—Yes.

Q.—We are better off in Madras. We always appoint as Excise Commissioners men who have served in the Excise Department. Is the post of Inspector General of Registration one reserved for the I. C. S. officers ?

A.—In the United Provinces that post is held in combination with the post either of Excise Commissioner or of Deputy Director of Land Records. There is no separate officer as Inspector General of Registration.

Q.—Are the posts held by members of the I. C. S.?

A.—The Excise Commissionership is still held.

Q.—The Inspector-Generalship of Registration ?

A.—Whoever holds the Excise Commissionership or the Deputy Directorship of Land Records is also ex-officio Inspector-General of Registration.

Q.—The practice is different in Madras. A member of the provincial service holds it.

A.—At the present time it so happens that the Deputy Director of Land Records is a listed post holder and *ipso facto* the Inspector-General of Registration is a listed post holder, because he is the same individual.

Q.—What in your view should be the position of Collectors and Commissioners with regard to the Ministers ? Supposing they have any complaints with regard to any of the Transferred Departments. Do you suggest that they should have a right of representation to the Government through the Minister or no right of representation at all ?

A.—They should have. They should be at perfect liberty to bring it to the notice of the Minister in charge and failing a remedy, they can go up to the Governor.

Q.—You are against the Public Services Commission now ?

A.—Now.

Q.—May I take it that your chief reason is that the Public Services Commission will perpetuate the all-India services ?

A.—It will perpetuate the control of the Secretary of State in an indirect way.

Q.—The Public Services Commission will perpetuate the control of the Secretary of State and will perpetuate the all-India services ?

A.—That will follow most probably because the Secretary of State will continue to be the principal authority.

Q.—Supposing the control of the Secretary of State were transferred to the Government of India. Would you have any objection ?

A.—My objection would be much less.

Q.—Do you think that Selection Committees would be quite free from political influence ?

A.—They should be about as free as a Public Services Commission will be.

Q.—Who appoints the Selection Committees ?

A.—The Local Government.

Q.—And are not the Local Governments and the Ministers amenable largely to political influence ?

A.—I am very wrong if the Government of India or anybody set up by the is altogether free from political influence.

Q.—Would they not be more detached ?

A.—They will be more detached from the particular province, but it will not be a rarified atmosphere in which they will be living.

Q.—Has municipal administration suffered in your province ?

A.—I do not think so.

Q.—Do you read the ' Leader ' ?

A.—Yes.

Q.—It contained a scathing condemnation of the deterioration of municipal administration ?

A.—I was not the editor of the paper then.

Q.—You do not approve of that condemnation ?

A.—No. I told my friend, the then editor.

(*Mr. Jinnah*).—*Q.*—That he was misinformed, or that he should not have inserted the article ?

A.—It was written by him, and it was an undue generalisation from the case of one District Board. That was only one case and I pointed that out to him.

(*Mr. Jinnah*).—*Q.*—It was wrong ?

A.—That is my opinion.

Q.—We have heard that there is no proper party organisation. There is no party organisation ?

A.—There is a semblance of it. There is not a well developed party organisation.

Q.—Except the landlords of your province, the others are not properly organised ?

A.—Not highly organised. Even the landlords are not highly organised.

Q.—Do you think that the grant of further responsible government would tend towards the formation of organised parties ?

A.—I think it will be a necessary consequence of that.

Q.—And the lack of stable party organisations—is that not a common feature in many of the new democracies ?

A.—I think all over Europe it is so.

Q.—Except England ?

A.—Even in England it is tending in that direction. Groups are taking the place of parties.

Q.—Groups and group combinations are very prominent in France, Australia and other places ?

A.—In every country. England was about the only exception and it has almost ceased to be the exception.

Q.—I should like you to tell us what in your opinion are the incurable and unavoidable defects inherent in dyarchy. You know there are certain defects which may be cured by a liberal interpretation of the Act, the Instrument of Instructions, and so on. What are the incurable and unavoidable defects ?

A.—There could be no commonness of purpose or of interest. It will not be a cohesive Government consisting of individuals with the same political opinions, with the same policies. It will not be a Government

every member of which is equally interested in the success of the whole Government, but there would be sectional interests as it were, the Ministers not caring what will happen to the reserved Government and the reserved Government not caring what may happen to the transferred Government.

Q.—Do you find that dyarchy promotes a spirit of responsibility in the legislature in regard to the reserved subjects, any sense of responsibility ?

A.—Certainly it is responsible criticism.

Q.—My question was this. Do the members of the legislature feel any interest at all or any sense of responsibility in the reserved half of the Government as they do in the transferred half ?

A.—I do say they feel an interest, more interest than the reserved members of the Government like the Council to feel, and also they feel a responsibility as representatives of the tax-payer to see that there is efficient administration as well as economy of expenditure.

Q.—What I mean is, are they as ready to vote expenditure or taxation with regard to the reserved half, as they would be in regard to the transferred half ?

A.—I have throughout felt that their readiness is the same in respect of both, but they are not equally readily satisfied that the proposals are equally reasonable or necessary in both cases.

Q.—That even though dyarchy continues, the legislature will act quite responsibly with regard to both the halves of the Government ?

A.—But not with the same spirit of confidence in respect of both. The legislature feels with regard to the transferred half that it can bring the Government to book. It has not that feeling in respect of the other half.

Q.—I am putting the question to you for the purpose of discovering whether the defects you have been describing in this memorandum are defects which can be avoided by better interpretation of the rules, or a change of rules, or whether they are unavoidable and incurable and of an inherent character and require some drastic remedies ?

A.—They are curable in minor part, but the principal vices of the system will remain uncured, so long as the system itself is not ended.

Q.—That vice being ?

A.—There can be no common purpose in the Government.

Q.—You are aware that the various provinces in India have not all advanced exactly on parallel lines or to the same extent ?

A.—Not to the same extent.

Q.—There is a difference of pace ?

A.—Yes, but it is a narrowing difference, that is to say, the backward provinces have been pulling themselves up more rapidly than was the case until some years ago.

Q.—Would you be in favour of a system of uneven advance in the provinces, one province being allowed to go ahead, comparatively backward provinces being allowed to remain behind ?

A.—I confine myself to the present Governors' provinces. I leave out Baluchistan and so on. In respect of the Governors' provinces I would not make a difference in the constitution, in the main lines of the constitution.

(*Mr. Chairman*).—*Q.*—You are thoroughly acquainted with conditions in all those provinces ?

A.—I do not pretend to be thoroughly acquainted.

(*Mr. Chairman*).—*Q.*—Have you ever been to Assam ?

A.—No. (*To Sir Sivaswamy Aiyer.*—Is it not a Lieutenant-Governor's province ?)

(*Mr. Chairman*).—*Q.*—It is under a Governor.

Q.—You would make no difference in the Governor's provinces ?

A.—No important difference.

Q.—Would you make a difference between the major provinces and the minor provinces, that is, those that are presidencies like provinces of Madras, Bombay and Bengal, and the other provinces ? You do not count your province as a major province ?

A.—That in itself is a fatal objection to your suggestion.

Q.—But what I want to know is, would you make a difference between the major provinces and the minor provinces ?

A.—What kind of difference ?

Q.—Supposing for instance you transferred full provincial autonomy to some and transferred only certain subjects in others giving thereby an incentive to the comparatively backward provinces to come up ?

A.—No. I won't make that difference.

Q.—What do you think should be the term of the Legislative Council ?

A.—Four or five years. Not three.

Q.—The term of the Council and the term of the Ministers should be the same ?

A.—The Ministers will have no term. They can be in for 24 hours or 24 years.

Q.—Normally if they enjoy the confidence of the Council their term will be co-extensive with the term of the Council ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—I wish just to put a question to clear up a point in paragraph 37, about this Excise Commissioner. I have got the papers and I find that he was appointed.

A.—He was appointed for 2 years.

(*Mr. Chairman*).—*Q.*—That was a recommendation of the Local Government ?

A.—Yes. My paragraph explains the whole position, what exactly my complaint was.

(*Mr. Chairman*).—*Q.*—You say, " we have the *status quo ante.*"

A.—The post is still reserved for the I. C. S. I explain there that I failed with the Governor.

Sir Arthur Froom.—*Q.*—There is one point that occurred in your examination yesterday that I should like you to clear up. That was a point about which Sir Tej Bahadur Sapru asked you on education. I understand from what you said that before the reforms were instituted the Government of your province was but a drag on education ?

A.—I said from 1914 to 1918.

Q.—From 1914 to 1918 there was a drag on education in your province, and in fact, the impression left on my mind is that the Government of the United Provinces were entirely callous to the progress of education ?

A.—I would not use the word callous. The effect of their policy was to retard progress. I am not speaking of their motive or intention.

Q.—Can you tell me what shaped their policy ?

A.—As I explained yesterday they decided that there should be a decrease in the number of schools.

Q.—That is not shaping a policy. What made them decide to decrease the number of schools ? You say they decided to decrease the number of schools ?

A.—I did not say that. I said they decided to discourage private aided schools and to substitute district board schools, and also to restrict the number of district board schools.

Q.—That is their decision. That is not shaping their policy. What caused them to come to that decision ? What was behind their policy ? Was it a question of money ? I think you said money ?

A.—Their impression was that the system as it then was, was inefficient and unsound, and they believed that the real progress of primary education lay in an improvement of the quality more than in the wider diffusion of such education as then existed. That was their explanation of that policy.

Q.—You gave a list of causes and you ended up by saying that one of the reasons was finance ?

A.—More efficiency and less expenditure I said.

Q.—Would you not agree that it is better to have one school which is efficiently run than three which are inefficiently run, if there is not enough money for the three ?

A.—I do not agree without serious qualifications in respect particularly of elementary education, and we differ very much as to the interpretation of the word efficient.

Q.—I have read your very interesting memorandum, but I do not propose to take you through it paragraph by paragraph. I would rather like to ask you one or two questions upon your conclusions. Do you consider that your province has made any advance at all under the present constitution ?

A.—Advance in what respect ?

Q.—Advance towards better government, or advance towards government by the people ?

A.—They have made the minimum advance compatible with the situation.

Q.—On page 37 you condemn the Government of India Act *in toto.* You do not approve of it ? You do not agree with it ?

A.—I do not approve of it.

Q.—You arrive at this conclusion from the point of view of a Minister of the United Provinces ?

A.—And also of a public man.

Q.—In the United Provinces and.....

A.—And some little acquaintance with the rest of the country.

Q.—You have been in the United Provinces for 24 years ?

A.—22 years.

Q.—And you cannot claim the point of view of an administrator of the Empire of India as a whole ?

A.—Of course not.

Q.—You would agree that there might be that point of view ?

A.—Yes.

Q.—But at any rate from your provincial point of view you condemn the Act ?

A.—From the provincial point of view I condemn that part of the Act which relates to provincial governments. As an Indian public man with a sort of general acquaintance with things in general, I condemn the Act from the point of view of Indians in general.

Q.—And you suggest that this Committee should recommend that the Act should be amended extensively or that a new Act should be introduced ?

A.—That is certainly what would please me.

Q.—That is your suggestion to us ?

A.—Yes.

Q.—Of course, Mr. Chintamani, you are acquainted with the history of the Government of India Act and how the late Secretary of State, Mr. Montagu, first of all came out to India and had a conference with the then Viceroy, Lord Chelmsford. That was the first step and then a Committee of eminent men with vast experience of India considered what should be done to further India or to advance India further towards the goal of complete self-government. That was the next step, I understand ; and then the result of the work of this Committee was the drafting of a Bill which was introduced in the House of Commons and at the second reading of the Bill it was referred to a Joint Committee of the House of Commons and the House of Lords. That is, step by step, the history of the Act. Finally the Bill evolved from Parliament and it became the Government of India Act in 1919 in its present form. That is more or less a short history of the Act, is it not ?

A.—Yes.

Q.—And you are aware that the Act contains an important section, section 84A, providing for a Commission at the end of 10 years to inquire and report as to whether and to what extent it is desirable to accept the principle of responsible self-government. You are aware of that section ?

A.—Yes.

Q.—That is one of the most important sections in the Act, is it not ?

A.—Yes.

Q.—And do you seriously suggest that this Committee should recommend to Government that the result of the labours of the special Committee under Mr. Montagu—the labours of the Committee were closely examined and revised by a Joint Committee of the House of Commons and the House of Lords,—do you suggest that this Committee should recommend that these labours should not be given a fair trial for 10 years ?

A.—I make that suggestion as the trial that has been given to it during the last 3½ years has proved that it does not deserve any further trial.

Q.—You think it does not deserve a trial ?

A.—Yes.

Q.—Then you do not suggest that it should be given a trial for 10 years ?

A.—I do not.

Q.—And you think that there has been some advance in legislative matters under this constitution ?

A.—Some advance.

Q.—There has been some advance, but not as much as you would have desired ?

A.—There is much virtue in that " some."

Q.—You yourself attended the Joint Committee which examined the Bill, did you not ?

A.—Yes.

Q.—Did you make any suggestions there ?

A.—Yes.

Q.—Were any of your suggestions adopted ?

A.—Only one suggestion was adopted—increase of the salary of the Governor of the United Provinces, in the hope that a public man from England might be appointed to that position. The increase of the salary has become a fact, the object of the increase remains still a vision of the future.

(*Mr. Chairman*).—*Q.*—Did you give your reasons for the recommendation at the time ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Your recommendation was only accepted in part ?

A.—Yes, it was accepted only in part, although I understood that that was the object of the acceptance of that part.

Q.—Did you make any other suggestions ?

A.—I suggested the introduction of responsibility in the Central Government. I suggested amendment so that the Act might not be based upon the assumption that every Governor would be infallible and every Minister and every Legislative Council would be constantly erring.

Q.—No suggestions were accepted ?

A.—No.

(*Mr. Chairman*).—*Q.*—Perhaps then you started working the Act with a feeling of disappointment, a prejudice against it ?

A.—But I worked the Act without any sense of disappointment.

Q.—I was going to ask you when you were selected as a Minister you joined the Government of the United Provinces with every hope of making the new constitution a success ?

A.—Yes, hope tempered by fear.

Q.—You had that hope, it might have been tempered by anything. You had that hope ?

A.—Yes.

Q.—As a man, otherwise probably you would not have accepted office ?

A.—That is so.

Q.—And during the first year of your office considerable progress, I think you told us, was made ?

A.—At all events, we were moving in the right direction.

Q.—But unfortunately after the first year that movement in the right direction was not maintained ?

A.—No.

Q.—You do not like dyarchy after what experience you had of it ?

A.—I do not.

Q.—And the members of your Council, do they equally dislike dyarchy ?

A.—Do you mean the Legislative Council ?

Q.—Yes, the elected members of your Legislative Council.

A.—Yes, almost to a man.

Q.—And the electorate of the United Provinces dislike dyarchy too ?

A.—The electorate of the United Provinces would not be knowing what exactly dyarchy is.

Q.—And you think that all the members of your Council thoroughly appreciate dyarchy, what it is ?

A.—Many of them thoroughly appreciate, the rest of them generally understand.

Q.—I will use the word "understand" as you are making a play upon the words. Do all the members of your Council understand the meaning of dyarchy ?

A.—Nearly all.

Q.—We have had witnesses before us to say that they have not understood the meaning of dyarchy in its true sense ?

A.—It is a very difficult thing, with many esoteric meanings to it.

Q.—They have not appreciated the full powers conferred to Ministers under the Act ?

A.—I am not aware of the full powers conferred on the Ministers under the Act. I must be included among the ignorant.

Q.—Some powers have been conferred on them ?

A.—Some certain powers.

Q.—I think you had a good acquaintance with the Act with the exception of that one misunderstanding which Sir Henry Moncrieff Smith pointed out ?

A.—Governor's disallowance of questions. The result of my understanding is that the power is with the Governor, not really with the Minister.

Q.—I thought that you had a full understanding of the Act with the exception of this rule about disallowing questions.

A.—I was going to say that the result of such understanding as I have is that the power is with the Governor and not with the Ministers.

Q.—Are some powers given to Ministers under the Act ?

A.—Subject to the control of the Governor.

(*Sir Sivaswamy Aiyer*).—*Q.*—Does the Act say so ?

A.—It says that the Governor shall act on the advice of Ministers except, etc.—unless or except—Much in the rules depends upon this exception.

(*Sir Sivaswamy Aiyer*).—*Q.*—Is it not quite consistent with the position of a constitutional Governor ?

A.—I think the proviso to that clause is not consistent with that position. It says the Governor shall act on the advice of his Ministers unless on occasions he feels so and so.

(*Sir Sivaswamy Aiyer*).—*Q.*—Which proviso ?

A.—52 (3) " In relation to transferred subjects, the governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice." I mean all the words beginning with ' unless.'

(*Sir Sivaswamy Aiyer*).—*Q.*—Even in a constitutional government, the Governor has a right to discard the advice of his Ministers under certain circumstances which are embodied in the Instrument of Instructions, Article 6, Clause 3. Is it not ?

A.—You want me to take this clause without reference to the Instrument of Instructions and Rules.

(*Sir Sivaswamy Aiyer*).—*Q.*—Reading this rule in the light of the Instrument of Instructions, is there anything inconsistent with the position of a constitutional Governor, if you are disposed to liberally interpret it ?

A.—In the first place there is the qualification ' if you are disposed to liberally interpret it.' I think that requires that the Instrument of Instructions and the Rules have to be read with the section of the Act.

Q.—Am I to understand that you consider that Ministers should have powers without any restrictions from the Governor ?

A.—Subject to the power which always rests in the Governor, that of dismissal.

Q.—Would you leave the power of veto to the Governor ?

A.—In legislative matters the power of veto will be with the Governor. The power of appointment and dismissal will be with the Governor, and also the power of dissolving the Council.

Q.—Am I correct in coming to the conclusion—if this Committee should come to the conclusion—that the reformed constitution has not been given a fair trial in the United Provinces ?

A.—It all depends on the meaning of the word " fair." I will explain myself. If a full exercise of all the powers given to him by the Act, the Instrument of Instructions and Rules and everything constitutes an unfair trial, then the trial has not been fair. But I think the Governor will say that he has not stepped beyond the limits of the law and the rules and he will be right in maintaining that.

Q.—That he has stuck to the letter of the law ?

A.—A Governor who literally interprets the rules and exercises his powers can certainly say he has given a fair trial in the letter if not in the spirit.

Q.—I will put my question in another way. Should the Committee conclude that the new constitution has not received in the United Provinces the trial that you hoped that it would have received, would it be right ?

A.—That I hoped it would have received ? Yes, that would be correct.

Q.—And had it been given the trial that you hoped it would receive, you think it might have gone on for 10 years ?

A.—I do not say that. The results would have been less disappointing than is the case now. Whether it could have gone on for 10 years is a much larger question.

Q.—You consider that 10 years is a very considerable period in the life of a man ?

A.—In the life of a man it is ; in the life of a nation it is not.

Q.—You anticipate what I am going to ask you.

A.—I am very sorry.

Q.—You consider that 10 years is a very considerable time in the life of a man. You agree it is not very long in the life of a constitution of a big Empire ?

A.—It depends on the nature of the constitution.

Q.—At any rate I do not think anybody will consider 10 years is a long time ?

A.—Suppose the constitution is bad ; then 10 years is far too long for it.

(Mr. Chairman).—Q.—Should the constitution be then changed in one day ?

A.—It depends upon its nature.

Q.—I do not want to ask you as to who is qualified to express the opinion that the constitution is bad.

A.—It all depends on that.

Q.—One more question. When you sent to this Committee this very interesting and lengthy memorandum of yours did you send a copy to His Excellency the Governor of the United Provinces ?

A.—No.

Q.—Did you send a copy to His Excellency the Governor of Burma ?

A.—No.

(Mr. Chairman).—Q.—This question of language that you raised has come up several times. The language of section 52 has been referred to many times. May I read you this section and ask you to tell me whether you consider it is different, and if so. in what way it is different, from section 52. The section which I want to read runs as follows :—

> " There shall be an Executive Council to advise the Governor General in the government of the Union, and the members of the Council shall be chosen and summoned by the Governor General and sworn as executive councillors, and shall hold office during his pleasure."

Would you consider that to be substantially different from the provisions of section 52 ?

A.—May I have a look at it ? (The Acts in question were then handed to the witness).

Q.—What is the difference ?

A.—In those two sections there is not that qualification or proviso. This section says " unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice."

Q.—Do you consider that to be a substantial difference ?

A.—That is a substantial difference.

Dr. Paranjpye.—*Q.*—You just said in reply to a question by Sir Arthur Froom that in your opinion the Government of India Act has not received the trial that you hoped it should have received.

A.—I said that trial that I hoped it would receive in the United Provinces.

Q.—Supposing now reasonable people begin to act in a reasonable spirit, do you think it is possible now to work that Act ?

A.—Subject to that reservation it will be possible to work any Act.

Q.—Would it be possible, having regard to the political conditions of the country, that it would allay the difficulties that have since arisen during the last three and a half years ?

A.—No.

Q.—So that you think it is too late now to make any small alterations either in the Act or in the Rules or even in working or administering the Act ?

A.—The dissatisfaction has grown too deep and wide.

Q.—You just now told Sir Arthur Froom that ten years is not too long a period in the life of a nation ?

A.—Yes.

Q.—Of course you understand that sometimes nations move very fast and sometimes move very slow or do not move at all. Sometimes the progress made in six months is greater than the progress made in a hundred years. Do you think India has been moving very fast during the last few years ?

A.—For some time past it has been moving very fast.

Q.—I find that in your province you two Ministers were working on a footing of joint responsibility. That understanding was, I take it, of a private nature ?

A.—It was confirmed by the Governor.

Q.—It was accepted by the Governor ?

A.—Yes.

Q.—But you never had any joint meetings with the Governor ?

A.—We had a few occasions of such joint meetings when there were matters relating to legislation and finance which had to be considered. But it was not generally so.

Q.—You think that your position would have been very much stronger *vis-a-vis* the Governor if he had meetings with the two Ministers alone on any points of differences. I mean between one Minister and the Governor.

A.—It would have improved the matters.

Q.—In answer to the Chairman, I believe, you answered that there will be occasions when there will be no single majority party in the Legislative Council.

A.—Yes.

Q.—You think however that it is possible for the various groups to arrive at an understanding by which only certain agreed measures will be carried out and the points of differences will be laid aside for the moment and such a thing will be possible in practically every province.

A.—Yes.

Q.—So that the non-existence of a single majority party would not be so great a difficulty in the way of responsible government ?

A.—It would by no means be an insuperable difficulty.

Q.—Now, with regard to the Finance Department and its attitude towards the Reserved Departments. Is it a fact that the Councils are anxious, whenever any proposal is put forward from the Transferred Departments, to know whether, first of all, every kind of retrenchment has been made ?

A.—That is so.

Q.—Are you able to satisfy the members of the Legislative Council who are your supporters that every possible retrenchment has been actually carried out in the Reserved Departments ?

A.—I am unable to give them any satisfaction as regards the Reserved Departments.

Q.—But if you had known fully all the details about the retrenchment in the Reserved Departments, you would have been able to carry that conviction better ?

A.—Provided further there were no further retrenchment to be made.

Q.—So that you wanted to know more about the Reserved Departments order to satisfy your supporters that no further possibility of retrenchment existed ?

A.—In order to satisfy myself in the first instance.

Q.—And then your supporters ?

A.—Yes.

Q.—And it was because of this lack of information that they did not quite agree to all your proposals for increased expenditure because they were not certain that all the possible retrenchment had been carried out in the Reserved Departments ?

A.—If there were any proposals for the increase of expenditure in the Transferred Departments, they used to judge them on their own merits. But when questions of taxation came up before them, they wished to know if all the possible economies had been effected.

Q.—You know that every taxation measure must be assented to by the Ministers and the Executive Council ?

A.—Yes.

Q.—Therefore if you wanted to propose any measure of taxation for the benefit of your Transferred Departments, the Council would like, first of all, to examine whether every avenue of retrenchment in the Reserved Departments had been explored ?

A.—Yes.

Q.—As regards the Finance Committee. There were some questions about its position and the Chairman appeared to ask you—I may be wrong—whether, seeing that you have got a majority in the Legislative Council of your supporters, you would not be able to pack the Finance Committee with your supporters and that there was not much difficulty in your having your own way even though you may not be on the Finance Committee ?

A.—That was the question put to me.

Q.—With regard to that, are you aware that the election of the Finance Committee is based on proportional representation or the transferable vote ?

A.—On the single transferable vote.

Q.—Even if you have got a majority you would not be able to get all the 8 members on your side ?

A.—Yes.

Q.—You would probably get at the most 4 or 5 members ?

A.—At the most.

Q.—And that only if you had taken the trouble to canvass very hard ?

A.—Yes.

Q.—So that it would not be possible, without your being a member of the Finance Committee, to have your views properly expressed ?

A.—Without my being or anyone of my nominees being on the Committee.

Q.—Then there was a further question about the representation of the rural population. You appeared to hint that at present the representatives of urban constituencies are better representatives of the rural population and the tenantry than the representatives of the rural districts.

A.—More particularly of the tenants.

Q.—That caused a little surprise, I am told ?

A.—Yes.

Q.—Don't you think that several similar claims are made in our current politics of a similar nature ? For instance, we are told that the bureaucracy rather better represents the masses than the people of the country itself ?

A.—Yes ; that is an age-old statement.

Q.—And consequently your statement that the urban representatives are often better representatives of the interests of the tenants than the nominal representatives of the tenants themselves is not quite so absurd.

A.—It is much less absurd than the other claim.

Q.—You also often notice that the influential people in any constituency exercise very great weight which is far more than their numerical strength ?

A.—Quite so.

Q.—And consequently the landlords are able to get representatives of their way of thinking ?

A.—Many.

Q.—You also know, I suppose, that most people in the towns have their interests in the land in a district ?

A.—A large majority of them have.

Q.—So that there is not a clear cut division between the urban population and the village population. Most of them practically have lands in the district and keep themselves in touch with the district. Consequently, don't you think that from that point of view also many urban representatives are better representatives of the interests of the rural classes than their actual representatives ?

A.—Certainly. That enables them to acquire an intimate knowledge of the conditions of rural life.

Q.—You asked for power to reduce the cadre when substantive vacancies occur. We have always been confronted with what are called the accruing rights of the services. What is your opinion about this point ?

A.—I have never been able to understand that the phrase " accruing rights " deprives the Government of the right to determine what posts shall be maintained and what posts shall not be maintained in the interests of the administration.

Q.—So you do not attach very much importance to that ?

A.—I do not think that phrase could include them.

Q.—But supposing you want to abolish a post ?

A.—In such a case all that I am called upon to do is that the substantive holder of that post is not disturbed or that he is adequately compensated if he is disturbed.

Q.—But the contention of the lower officers is that their chances of promotion are thereby reduced if that post is done away with ?

A.—It is natural that they should complain. But as a matter of fact in regard to selection posts no officer has a right to be appointed thereto.

Q.—You also advocate the appointments of Council Secretaries on both sides, reserved and transferred ?

A.—Not for as long as the permanent secretaries and the heads of departments have seats in the Council.

Q.—Supposing they are done away with ?

A.—Then there should be Council Secretaries.

(*Sir Sivaswamy Iyer*).—*Q.*—Would it be possible for an elected Council Secretary to work harmoniously with a Member of the reserved half ?

Q.—I was coming to that question. It may be possible for a Council Secretary to work with a Minister who is an elected member. Would it be possible for a Council Secretary to work with a member of the Executive Council ?

A.—Your question will practically apply only to the official members of the Executive Council, I take it.

Q.—No ; to both, because the Executive Council have got to work as a body.

A.—Here you are speaking of the ability of the Council Secretary to work with his individual chief.

Q.—In that case, he will also be held responsible for the decision of the Executive side ?

A.—The Council Secretary has nothing to do with the decisions. He is only the spokesman of the decision. The same happens in England with regard to the Cabinet. There is the Under Secretary for War, who is the spokesman in the upper House of Parliament for the decision of the Cabinet.

Q.—In England the members of the Cabinet are elected members ?

A.—The remedy is that the appointments of these Council Secretary should be made by the Member of the Government concerned.

Q.—So that if you have three or four Council Secretaries on the reserved side, it would practically mean that these three or four people are lost to the popular side ?

A.—I think it is a loss worth incurring.

Q.—You desire to abolish the official bloc in the Legislative Council ?

A.—Yes.

Q.—You do not want any member of the bureaucracy to be a member of the Legislative Council ?

A.—I do not want any official to be a Member except the Members of the Government and the Government Advocate corresponding to your Advocate-General.

Q.—Supposing it was made the practice that official Members should not vote on any question dealing with a transferred subject, would that meet your requirements ?

A.—What is their function there ? I consider them to be out of place as Members of the Legislative Council.

Q.—And you resent their being asked to vote by mandate ? So many additional votes given to the Government always ?

A.—It is not that which I resent ; I described a particular condition which I considered to be not a proper condition.

Q.—How often have you made use of these official votes ?

A.—Several times.

Q.—And if you had not these votes at your disposal you might have been beaten ?

A.—It does not matter. I made it a rule and Pandit Jagat Narain made it a rule that if on any fundamental matter we got a majority only by the aid of the official vote, we should treat it as a defeat and go out of office.

Q.—The question has been asked before, but I want to put it to you in order to elicit a little more information. We have been told that there has been a great deterioration in the administration of local bodies and also in University standards in the United Provinces. You have told us that both these statements are not accurate, at least in the case of the University standards statement is not accurate, and in the case of local self-government it is greatly exaggerated to say the least. What would be your attitude to an outside advisory body like that contemplated by the Universities Conference to see that the standards of the various Universities are kept up ?

A.—If that is brought into existence by the Universities themselves, by co-operation among themselves, without the intervention of Government or any other outside authority, I would not have a word to say against it.

Q.—You would welcome it ?

A.—Oh, yes.

Q.—A proposal has occasionally been made that a single Chamber having entire responsibility in the Province might occasionally pass hasty

or ill-considered legislation. That has been a complaint. What is your opinion about having some checks against this hasty or ill-considered legislation ?

A.—By what means ?

Q.—By means of a second chamber for instance ?

A.—If the single chamber is elected merely on the basis of territorial electorates without communal electorates and without special electorates such as the Chambers of Commerce, Landholders' Associations, and so on, there might be a plausible case for a second chamber constituted on a different basis, but as long as our Legislative Councils in the provinces include representatives of general constituencies, Muslim, non-Muslim and European, and of special electorates like Landholders' Chambers of Commerce, Universities and so on and so forth, and also nominated members to represent minorities and interests not brought in by means of election I do not think there is need for a second chamber.

Q.—But it might happen that these special electorates and these nominated non-officials, because you are going to do away with the official bloc, might not command a majority, and might pass hasty or ill-considered legislation ?

A.—It has been felt in the present Legislative Council that the representatives of special electorates, including the communal and the European, are very powerful.

Q.—Including the communal electorates and also the territorial electorates ?

A.—Yes, but there is a distinction between the two. Suppose there was only one general territorial electorate, without special arrangements for minority communities, then it would be less likely that interests represented by certain minority communities would have adequate representation than in the present circumstances. All this is a check upon the tendency of the general representatives to proceed too fast and too far.

Q.—But hasty and ill-considered legislation may not necessarily only be in the direction of communal question ? There may be other questions which do not savour of communal feeling on which hasty and ill-considered legislation is possible.

A.—But a legislature composed of representatives of diverse parties which I have now enumerated is expected to, and as a matter of fact does contain, enough elements to render unnecessary the creation of a second chamber.

(*Maharaja of Burdwan*).—*Q.*—What I want to ask you, supplementary to what Dr. Paranjpye said regarding a second chamber for provincial councils is, if you have got full autonomy, do you think a province would be better off with a second chamber ?

A.—It does not necessarily follow.

(*Maharaja of Burdwan*).—*Q.*—Don't you think it would be a healthier check in the province to have a second chamber ?

A.—My point is that the necessity for such a check may be felt when the present Legislative Council is differently constituted.

(*Maharaja of Burdwan*).—*Q.*—It may be necessary to change the constitution of the one chamber to provide for two chambers, but as a general abstract principle, supposing there is full provincial autonomy, would you prefer the present constitution of a single chamber to be so changed as to provide for two chambers ?

A.—I have an open mind on the subject.

Q.—Talking about primary education, you said there was a great deal of waste ?

A.—There was a large number of students leaving at the lower primary stage.

Q.—So that their literacy is not kept up for a long time ?

A.—No.

Q.—What is your remedy for this ?

A.—For urban areas we had a compulsory education measure and for rural areas special encouragement has been given to keep students at school up to the upper primary as distinguished from the lower primary stage.

Q.—In what way have you offered this encouragement ?

A.—In the way of grants-in-aid and free studentships and given assistance in the purchase of school materials.

Q.—Don't you think compulsory primary education for five years is the only effective remedy for this ?

A.—That is so.

Q.—Did you move in this direction in your Legislative Council ?

A.—It was hopeless for want of funds to think of it in the rural areas during the last three years.

Q.—Did you propose any scheme of taxation for this purpose ?

A.—There were proposals for taxation made by the Finance Member to balance the Budget and it was a hard enough job to get the Council to assent to them. Nobody would have given assent to further taxation proposals.

Q.—But supposing you had told the Council you wanted taxation for this particular purpose ?

A.—Provided there was no other proposal for taxation at the same time before it. It would not have accepted four or five different kinds of taxes separately.

Q.—If you or your colleague Pandit Jagat Narain had gone to the Council and said you wanted this taxation to carry out a scheme of compulsory education would the Council have accepted it under proper safeguards ?

A.—Under proper safeguards and provided there were no competing proposals of taxation before the Council at the same time.

Q.—You mention in paragraph 9 that the Legislative Council is not to criticise the Governor ?

A.—Yes.

Q.—And you consider this a disability on the part of the Legislative Council ?

A.—So long as the Governor has the powers which he now exercises.

Q.—You either have a constitutional Governor and then save him from criticism, or if he continues to have these present powers, you allow him to be the subject of party recriminations ?

A.—The first by choice, the second by necessity.

(*Mr. Chairman*).—*Q.*—Don't you think he ought to be a member of the legislature if he is going to be criticised ?

A.—I have no objection to his being a member.

Q.—You mentioned yesterday three Bills on which the Government of India over-ruled you, or tried to interfere with you. Were there any administrative measures in which the Government of India interfered with you ?

A.—Oh, yes.

(*Mr. Chairman*).—*Q.*—Transferred subjects ?

A.—Transferred subjects.

Q.—Can you give us illustrations ?

A.—A certain officer was appointed as Superintending Engineer by the transferred Government. There was another officer who thought the appointment should have gone to him and not to the individual actually chosen. He petitioned the Governor. The Governor rejected his petition. In the same petition he also stated that unless this promotion was given to him, he would retire on proportionate pension. He complained that he had been superseded, although he admitted that the officer actually selected was 11 years senior to him.

(*Mr. Chairman*).—*Q.*—This was a service appeal ?

A.—Yes, that is why I am not giving the names.

(*Mr. Chairman*).—*Q.*—An appeal under the rules governing the rules of service ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—If the Government of India did not sometimes interfere, what is the use of the appeal ?

A.—I was merely asked if there was an attempt at interference.

(*Mr. Chairman*).—*Q.*—Was that the kind of interference you contemplated ? You said administrative interference ?

A.—In this particular case you will find there is a little more.

Q.—Let us have the details if you do not mind ?

A.—He appealed to the Government of India. The Government of India referred the case to the Local Government and the Local Government furnished to the Government of India the fullest information on the subject. Thereupon the Government of India said they were not satisfied and wanted to be furnished in original with the annual confidential reports of both these officers for a series of years in order to test the conclusions reached by the Local Government and determine the issue. The Local Government uttered I think a mild form of protest against not being trusted even with regard to the accuracy of their summary of facts, and furnished the reports in original. Then the Government of India issued a circular letter to all Local Governments, that followed immediately upon this correspondence, that certain Local Governments had been found transgressing the orders of the Secretary of State in the matter of appointments of Superintending Engineers ; that careful discretion had not been exercised in the matter of selection, and that they should be more strictly

bound by the orders of the Secretary of State. Subsequently, after two or three more months, the Government of India replied that they would not interfere with the orders of the Local Government on that particular matter.

Q.—You think this is too great an interference on the part of the Government of India ?

A.—Yes, I do think so.

Q.—At any rate the fact that such an appeal should be considered ? You think the Local Government should have full power of postings and promotions ?

A.—Certainly in Transferred Departments at least.

Q.—Was the agenda of the Legislative Council discussed at a joint meeting ?

A.—No.

Q.—The attitude of the Government on various resolutions that were to be moved was not discussed ?

A.—That used to be done in the first year.

Q.—Not afterwards ?

A.—No.

Q.—So you did not know at all what attitude Government was to take on a resolution in connection with the Reserved Departments ?

A.—From the second year onwards the Ministers did not know. Only in one or two cases were they discussed and the Governor consulted both the Executive Council and the Ministers.

Mr. Jinnah.—*Q.*—You were just now shown sections from the South African Constitution and that of Australia and you were asked to compare those two particular sections with section 52, sub-section (3) of the Government of India Act. In the first instance in Australia the Executive is responsible to Parliament, you know that ?

A.—Yes.

Q.—And the whole constitution is entirely different from the Government of India Act of 1919 ?

A.—Of course.

Q.—There the Governor General is a constitutional head like the King ?

A.—Yes.

Q.—Don't you think therefore that to compare the Government of India Act with a constitution where the country has got responsible government is comparing a donkey with an elephant ?

(*Mr. Chairman*).—*Q.*—I must really intervene ; I did not ask the witness to compare the constitution under the Government of India Act to the constitution under the South African Act. I asked him to read a certain section. The wording was what I referred to.

Q.—Quite so, and if I may say with respect, that is misleading to take one section from a constitution where there is responsible government, and compare it with section 52 of the Government of India Act.

Q.—Well now under the Government of India Act the Governor is practically supreme. You cannot as a Minister introduce any measure in the legislature unless he allows it ?

A.—That is so.

Q.—Your attention was drawn to section 84A. Now there is nothing in section 84A which prevents an enquiry being made before the 10 years ?

A.—At least that is what I was told by the late Secretary of State when I gave evidence before the Joint Parliamentary Committee.

Q.—You know in Parliament there was a debate on this section and an amendment was moved—you remember that ?

A.—Yes, and it was Mr. Montagu's contention.....

Q.—And Mr. Montagu laid down in his speech that there is nothing to prevent an enquiry being held before the 10 years expired ?

A.—Yes, that was his position.

Q.—Now don't you think it a somewhat parrot-like cry to say that the constitution must be worked for 10 years however wrong it may be ?

A.—Yes. I have compared it to the superstition among Hindus that we must wait for a particular date.

Q.—Now look at that section 84A just for a moment. It says " At the expiration of 10 years after the passing of the Government of India Act of 1919 the Secretary of State, with the concurrence of both Houses of Parliament, shall submit to the approval of His Majesty the names of persons to act as Commissioners for the purposes of this section." So it is obligatory that a Commission should be appointed at the end of 10 years ; but it does not say you cannot appoint a Commission earlier.

Q.—I do not want to go into the details of your memorandum but I understand—is that correct ?—your main objection to dyarchy to be—first, that the Governor is not a constitutional Governor. That is no. 1. No. 2 is that there are practical difficulties in working the dyarchy : and no. 3 is that there are fundamental differences as to the angle of vision, on the one hand, of the bureaucrat and on the other hand of the Ministers who come from the popular side. Do I understand that correctly ?

A.—Yes, I completely agree.

Q.—Well now, so far as the constitutional position is concerned, is it possible in your opinion to continue dyarchy if you make the Governor a constitutional Governor ? Will it be dyarchy ?

A.—It may be dyarchy or it may be anything else but still it won't be full responsible government. There cannot be complete powers for the Ministers even then in a dyarchical government.

Q.—I do not quite follow. Supposing you have a constitutional Governor, then would it still be dyarchy ?

A.—He will be a constitutional Governor in relation to the Ministers only—is that what you mean ?

Q.—Yes, with regard to the portion which is transferred.

A.—But even then so long as the powers which are at present vested in the higher authorities remain, neither can he be a constitutional Governor nor the Ministers be like Ministers in other countries.

Q.—Then if you make him a constitutional Governor with regard to say half, and supposing you removed the other higher powers right up to the Secretary of State for India—supposing you have a constitutional Governor and you take away the powers of the Government of India to interfere except as to veto, I take it the veto will remain, and you take away the power of the Secretary of State for India—supposing you have a constitutional Governor with regard to one half and the other half is reserved—will that work ?

A.—If there are to be two distinct separate Governments in the matter of finance, of taxation, of borrowing, etc., so that the Government of India, except in so far as the Governor General has the power of veto, may have nothing whatsoever to do with the transferred half of the Government, the separation will have to be so very complete that you will have two distinct Governments.

Q.—You mean to say it can only work if there was a complete watertight division absolutely with regard to everything ?

A.—Yes from top to bottom.

(*Dr. Paranjpye*).—*Q.*—Is it possible to work such a scheme ?

A.—It will soon be found unworkable.

Q.—Well now I want to put you this question. Is it possible to bring about such a complete division—is it possible to carry on the administration if that complete division were brought about ?

A.—I do not think that complete division itself is possible.

Q.—And why do you say it is not ? I think you have quoted the Bombay Government on that point ?

A.—Yes.

Q.—Do I understand that is your complete reason, or whether you have any other reason ?

A.—I think it is in a way a complete statement of the case.

Q.—That is to say you think it is impossible because these various subjects overlap each other and they underlies each other and therefore it is impossible to have a complete division of the two halves in every respect from top to bottom ?

A.—Yes, it will be almost like trying complete dyarchy in the physical frame of a human-being.

Q.—Well then, you say there are practical difficulties in working dyarchy. Now I want you to state shortly—I do not want the details, I want the heads—what are your practical difficulties ?

A.—Difficulties with the Governor, difficulties with the Executive Council, difficulties with the Secretaries and heads of departments, difficulties with the Legislative Council, difficulties about finance, difficulties about administration.

(*Mr. Chairman*).—*Q.*—Are these difficulties inherent in dyarchy or would some of them exist in any Government ?

A.—I am almost disposed to say they are inherent in dyarchy.

(*Mr. Chairman*).—*Q.*—They would not exist under another form of Government ?

A.—Not this particular kind of difficulties.

Q.—Now let me understand—you say you have difficulties with the heads of departments. Do I understand your difficulty is, to start with,

that the outlook, the mentality or to put it shortly, the angle of vision of the heads of departments is fundamentally different from that of the Minister ?

A.—Yes, that is so.

Q.—One is bureaucratic, the other is democratic, and therefore it may be there is an honest difference of opinion, but it becomes very difficult to work ?

A.—To that is added the knowledge of the head of a department that he need not necessarily accept the decision of the Minister as final.

Q.—He knows he has got a right of appeal in case of a dispute between him and the Minister. Well then his appellate court is the Governor, and in your Province he happens to be a member of the famous Civil Service ?

A.—Yes.

Q.—And he is brought up in the traditions of the Civil Service ; and you found that his outlook and mentality was totally different from yours ?

A.—Both he and I found it.

Q.—To your cost as it resulted in your resignation ?

A.—Yes.

Q.—Well, that is the difficulty you found so far as those who were under you in your departments were concerned. And those who were above you ?

A.—I would like to supplement by one sentence—my answer to an earlier question about the heads of departments. It is not necessary for the head of a department to go before the Governor with an appeal against the Minister when the Minister has not agreed with him. Under the rules of executive business it is imposed upon the Secretary as an obligatory duty to refer to the Governor every case of importance where the Minister differs from the head of a department, and not to take any action on the Minister's opinion.

Q.—That would not matter so much. Even under responsible government it may be that if your Secretary did not agree with you probably he would go to the Cabinet.

A.—It is not the Secretary disagreeing with me. Wherever the Secretary finds that the Minister has disagreed with the head of a department, then he is bound by rule to lay the case before the Governor. That is not merely in exceptional cases.

Q.—Whenever there is a difference between the Minister and the head of a department, the appeal must go up as a matter of course.

A.—Yes, it is the duty of the Secretary.

Q.—We have now got as far as the heads of departments and those who are under you as Secretaries. Your difficulty with regard to Secretaries is that they can also appeal against you, and you have told us your difficulty with regard to the Governor. Now what about your colleagues on the reserved half ?

A.—One of them is an officer of the I. C. S. and the other is a non-official Indian. We have an Executive Council of only two Members. I should like to know what your question is with regard to that ?

Q.—Do you find any difficulties with them in working your dyarchy ? Are they in any way obstructive or make difficulty for you in any way ?

A.—The difficulty only comes from the Finance Member. With the other Member we have very little concern.

Q.—Do I understand this from you that this system of dyarchy could only have been worked with any amount of success if there was a complete harmony as to the mentality, the outlook, the perspective and the spirit ?

A.—Yes, that is so. But if it had been so, there would have been no dyarchy.

Q.—There is a dyarchy. That system is there. That system could only have been worked with some amount of success if there had been these common elements—outlook, mentality, perspective, and spirit ?

A.—Yes.

Q.—Then it might have achieved some success ?

A.—Yes.

Q.—Was it one of the important causes of failure of dyarchy that these were not there on both sides ?

A.—Yes, it would be.

Q.—I think you were one of those who put their views before the Joint Parliamentary Committee ?

A.—Yes.

Q.—And after the Act was passed, I think you were one of those who thought that you had gone to the highest tribunal, that you had fought for your views, and a decision was given, and that you were willing to carry out that decision in a spirit of harmony and loyalty ?

A.—Yes.

Q.—And you belong to a party who also felt the same ?

A.—Yes.

Q.—And you entered your Council with that feeling ?

A.—Yes.

Q.—You earnestly wanted to work the reforms ?

A.—Yes.

Q.—Is it not a fact that a large section of the people decided to non-co-operate ?

A.—Yes.

Q.—Now, the section that decided to non-co-operate belong to a section which is an extremist section—so we call them ?

A.—Yes.

Q.—If they had entered the Council—the opposers as they were to the reforms—would you have found a more congenial soil to work or a less congenial soil to work dyarchy ?

A.—Less.

Q.—Then it was better if dyarchy was to succeed that that section—a large section of the people no doubt—did not enter the Council ?

A.—It is so.

Q.—You had entire harmony so far as the majority of the representatives in the Council were concerned ?

A.—Yes.

Q.—You enjoyed their confidence ?

A.—Yes.

Q.—And it was not because those who were in the Council and the Minister were not willing to work in harmony and co-operation that you eventually failed but because of the various defects that you have pointed out ?

A.—Yes.

Q.—Therefore, I take it that you are definitely of opinion that this dyarchy must be done away with ?

A.—Completely.

Q.—Supposing it is done away with, what is the substitute ?

A.—It can only be one of two things, either full responsibility or reversion to the old system of Government.

Q.—I think a question was put to you by the Chairman and you said that the struggle was great but that you did achieve some results.

A.—Some results.

Q.—I suppose that under any form of Government you would have achieved some results with your struggle.

A.—Obviously.

Q.—Even if it was the pre-reform Council.....

A.—Quite so.

Q.—Even there, you would have achieved some results with your struggle ?

A.—I was able to achieve some results even as a non-official Member of the old Council.

Q.—Unless the Government is.....

A.—Obdurate.

Q.—....is uncivilised, under any form of Government prominent men of ability would be able to influence the Government and carry some measures.

A.—Yes.

Q.—Now, as far as the Central Government is concerned, your proposal is really this that the civil administration must be handed over to the Ministers responsible to the legislature.

A.—Yes.

Q.—And the Army, and the Political and Foreign affairs should remain with the Viceroy or the Governor General ?

A.—Yes.

Q.—Do you know what place the administration occupies in the Government of India Act ? Do you know how the Army administration is really carried on ?

A.—It is carried on by the Commander-in-Chief and either *de jure* or *de facto*, certainly *de facto*, he has to carry out the wishes of the British War Office in one way or another.

Q.—What share has the Governor General in Council in this administration of the Army ? What is your idea about it ?

A.—My outside idea is that the civilian members of the Governor General's Executive Council have almost next to no voice in the administration of Army Affairs.

Q.—The Chairman says that that is wrong and that civilian members have got some voice. We do not hear that voice at any rate.

A.—At all events we have not felt the effect of that voice.

Q.—Look at section 33. "Subject to the provisions of this Act and rules made thereunder, the superintendence, direction and control of the civil and military government of India is vested in the Governor General in Council, who is required to pay due obedience to all such orders as he may receive from the Secretary of State."

A.—Yes.

Q.—Of course you are a student of politics and you are also a student of constitutions. Have you ever been able to understand how the Army administration is carried on? Have you got any insight into it?

A.—I have none.

Q.—Have you had any opportunity of insight?

A.—None.

Q.—Is there any chance of getting an insight into it?

A.—I have not found any myself, except in the recent publication "The Army in India."

Q.—That is a Manual by Mr. Burdon.

A.—Except to that extent, I have none.

Q.—Your proposal is that so far as the civil administration or civil government within the words of this Act is concerned, it should be handed over to the Ministers who should be responsible to the legislature.

A.—Yes.

Q.—At present so far as the Central Government is concerned—I think I am right in saying, but correct me if I am wrong—the position is this. There are three stages; one is the stage of influencing, the other is the stage of control by the legislature and the third is the stage of control and responsibility. So far as the Central Government is concerned, we have the first stage according to our constitution.

A.—Yes.

Q.—In your opinion do you think that 104 representatives summoned from all parts of India who come here as the representatives of the people can continue long remaining at the stage of influencing the Government?

A.—It cannot continue long as pointed out in the Montagu-Chelmsford report in the passage which I have quoted in my memorandum.

Q.—We will now come to the military question. I will ask you to look at your conclusions in paragraph 85 on page 44. You say: "I would make the following further reservations in respect of the Military:—The King's Indian subjects (including in this term the subjects of Indian States) should be eligible for service in all arms of defence." Are they not eligible for all arms of defence?

A.—My impression is that they are not.

Q.—You refer to the artillery?

A.—Artillery, Air Force.

Q.—Woolwich?

A.—Yes.

Q.—You say that all that should be done away with?

A.—Yes.

Q.—Don't you think that is a stigma on the people of India ?

A.—Of course, it is.

Q.—All you say is that adequate facilities should be provided in India as may be decided by the Government of India. What do you mean by that ?

A.—The Government of India responsible to the Legislative Assembly is to decide what institutions should be established in the country or what scholarships should be given to Indians to proceed to England for the acquisition of knowledge of the various branches of military training, and whatever is the cost of the facilities they so recommend should be met out of the Army Budget which will be at the disposal of the Governor General.

Q.—I will put it to you in this way. You want a scheme which will lay down a policy which will ensure a gradual Indianization of the military services ?

A.—Yes.

Q.—And a policy and a scheme which will create some sort of Army just as they have in the Dominions ?

A.—Yes.

Q.—A National Army ?

A.—Yes.

Q.—But you have not thought of any scheme how it should be done ?

A.—No. I have not the facilities requisite to the framing of such a scheme.

Q.—That is to say ?

A.—Adequate information. I am not competent to frame a scheme.

Q.—You have no means ?

A.—No.

Q.—Or access to the actual condition of things ?

A.—I have not that knowledge of detail which would be indispensable for the framing of a scheme in detail.

Q.—Generally speaking I ask you one question on this. You have had a great deal of experience in public life and have also come in contact with people. Supposing a real, honest, earnest effort was made to prepare the people of India to take over the defence of their country what period would you suggest within which they would be able if a real effort was made.....

A.—I can only say that the position should be reviewed at the end of 10 years. I cannot say even approximately that within a certain period.....

Q.—I do not say, fix a period. But supposing a real, workable scheme was framed for all that you have just now said—a real earnest effort was made, roughly, I do not say it may or it may not be, but roughly speaking, within what period do you think that the people of India will be fit to take over the defence of their country, if all efforts were made, if genuine efforts were made ?

A.—There should be an enquiry a certain time after the genuine efforts have commenced to see what progress has been made. I am not able at the present moment to say within what period even approximately everything will be ready.

Q.—50 years ?

A.—I would not commit myself to any period.

Q.—Then I take it that you really want a particular scheme to be put into execution and.....

A.—And carried out earnestly.

Q.—And then at the end of 10 years there should be an enquiry ?

A.—Yes.

Q.—Supposing your recommendations were carried out, then you would have provincial autonomy and civil administration in the hands of ministers in the Central Government responsible to the legislature and then what will be the position of the Secretary of State's Council ?

A.—The Council of the Secretary of State should be abolished. The Secretary of State's position so far as the civil administration of the country goes, should be analogous to the position of the Secretary of State for the Colonies in relation to the Dominions. In respect of the two reserved subjects, foreign and political and military, he will still exercise control over the Governor General.

Q.—With regard to the question of separate electorates in the United Provinces there was some years ago a great deal of feeling about that question ?

A.—Yes.

Q.—And I take it that so far as your province is concerned they do not wish to disturb the existing conditions, as the electorates stand to-day ?

A.—Yes.

Q.—Both municipal and Legislative.....

A.—And District Boards.

Q.—I take it that there is much greater harmony and better feeling politically between the Hindus and Muhammadans in your province than there ever was before ?

A.—That is so.

Q.—Is there anything in your opinion which can prevent responsible government being established although separate electorates may be retained ?

A.—I do not see any necessary antagonism between the two.

Q.—If responsible government was established in provinces do you think that notwithstanding separate electorates Hindus and Muhammadans would contest their respective electorates on a policy, on a definite programme ?

A.—Yes.

Q.—Which they would work together when they enter the Councils ?

A.—Yes.

Q.—In fact, that has been done to a certain extent now, whatever policy or programme the party can form to-day ?

A.—Yes.

Q.—The next question I want to ask you is this. Are the electorates in your province competent to send able representatives ?

A.—They are competent to select from among the candidates the persons whom they want to select.

Q.—I suppose that there is hardly a country where the electorate goes into the particulars of an issue?

A.—None that I am aware of.

Q.—The electorates generally take a broad issue, a particular question. Is not that so?

A.—Yes. Merely in general outline.

Q.—In your opinion are the electorates in your province sufficiently intelligent to understand broad issues?

A.—They are.

Q.—And you think that the electorates or the voters will be far more keen in recording their votes if they realise that the Government is a responsible Government and that the party having the largest majority will come into power and form a Cabinet? Do you think that the voter will then take more interest?

A.—That is what is likely to happen.

Q.—Will he then exercise his vote with greater caution and more carefully if he realises that?

A.—I do not think that there is any lack of caution even now. He understands quite well for whom he wants to vote, and he votes for him.

Q.—When he finds that his vote means serious business because the majority will form a Cabinet and carry on the Government.

A.—That is quite likely to happen.

Q.—If that is brought to his notice and....

A.—And candidates will bring it to his notice.

Q.—I think the President pointed out to you clause 3 of the Instrument of Instructions. I want to draw your attention to the next clause, that is, clause 4, which must be read with clause 3. It says, "Nevertheless, you shall encourage the habit of joint deliberation between yourself, your Councillors and your Ministers in order that the experience of your official advisers may be at the disposal of your Ministers and that the knowledge of your Ministers as to the wishes of the people may be at the disposal of your councillors." Was that carried out after Sir Harcourt Butler changed his policy? The first seven or eight months you said it was?

A.—In the second year it was carried out partly.

Q.—And then dropped altogether?

A.—During the four months of the third year when I was a member of the Government it practically dropped out.

Q.—I supposed it was dropped out because the experience of the official advisers at the disposal of the Ministers and the knowledge of the Ministers as to the wishes of the people did not work together?

A.—That might have been the motive. I cannot enter into the motives of the Governor. I only know this much that it was stated that the joint meetings. . . . . .

Q.—The object was that the experience of official advisers should be placed at the disposal of the Ministers on the one hand and on the other

hand the object was that the knowledge of the Ministers as to the wishes of the people was to be placed at the disposal of the Councillors ? You see that ?

A.—I see that clearly enough.

Q.—Then I say that when that was done at the commencement of the regime of Sir Harcourt Butler and a little less later on, was it due to the fact that it was impossible to work with that knowledge and that advice ?

A.—They were less willing to be influenced by the opinion of the Ministers.

Q.—And you were less willing to follow the advice of the official experience I suppose ?

A.—It was seldom given to us.

(*Mr. Chairman*).—*Q.*—Did you ask for it ?

A.—There were the meetings of the Government.

(*Sir Muhammad Shafi*).—*Q.*—Mr. Chintamani, in reply to Mr. Jinnah a short while ago you stated that the civilian members of Government have no voice in military administration ?

A.—I said, so far as I can know from outside they appeared to have little voice. I did not assert that they had no voice.

(*Sir Muhammad Shafi*).—*Q.*—Permit me to invite your attention to section 33 of the Government of India Act. ' Subject to . . . . . the superintendence, direction and control of the civil and military government of India is vested in the Governor General in Council who is required to pay . . . .'' You see from that that the military administration of the country is by statute vested in the Governor General, the Commander-in-Chief, and the six civilian members of the Executive Council ?

A.—In the Governor General in Council ?

(*Sir Muhammad Shafi*).—*Q.*—Which means the Governor General, the Commander-in-Chief, and the six civilian members of the Executive Council.

A.—The Commander-in-Chief when he is appointed an extraordinary member.

(*Sir Muhammad Shafi*).—*Q.*—The Governor General in Council means the Governor General, the Commander-in-Chief, and the six civilian members of the Executive Council.

A.—I submit not necessarily. I submit it includes the Commander-in-Chief only when he is appointed an extraordinary member of the Executive Council.

(*Sir Muhammad Shafi*).—*Q.*—Then the superintendence, direction and control of the military administration, if the Commander-in-Chief does not happen to be an extraordinary member, is vested exclusively in the Governor General and the six civilian members of the Executive Council according to statute ?

A.—That is the statute.

(*Sir Muhammad Shafi*).—*Q.*—Do you mean to say that questions of military policy are not settled by the Governor General in Council ?

A.—I mean to say nothing of the kind. I have stated that what ever the position might be *de jure,* I said it appeared to me that the

de facto position was that they had little voice, or little effective voice, or something like that. I did not assert they had no voice.

(*Sir Muhammad Shafi*).—*Q.*—Do you remember that a couple of years ago a Committee called the Inchcape Committee was appointed by the Governor General in Council to overhaul the entire expenditure, civil and military, of the Government of India ?

A.—I remember.

(*Sir Muhammad Shafi*).—*Q.*—And their recommendations have been carried out by the Government of India ?

A.—At least to a great extent, if not in full. Not in full, I believe.

(*Sir Muhammad Shafi*).—*Q.*—You are aware that that Committee was appointed by the Government of India ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Not by the Secretary of State in Council ?

A.—No.

Q.—Mr. Chintamani, under section 33 of the Government of India Act, which the Honourable Sir Muhammad Shafi has pointed out to you, the Government of India really have to pay due obedience to the orders of the Secretary of State ?

A.—Yes.

Q.—And you have heard that it is characterised as the subordinate branch of British administration ?

A.—Yes.

Q.—Do you know what happened to the Esher Committee Report ?

A.—I know nothing in particular about it.

(*Mr. Chairman*).—*Q.*—I have got only one or two questions I understood you to say in answer to Mr. Jinnah that you liked the position of the Secretary of State *vis a vis* the Government of India to be that of the Secretary of State *vis a vis* the Dominions ?

A.—In respect of civil administration.

(*Mr. Chairman*).—*Q.*—You know the control that the Secretary of State has over the Dominions ?

A.—I have always been told that he exercises no control.

(*Mr. Chairman*).—*Q.*—You gave this answer to Lord Selborne when you were examined on the Government of India Bill. This is what you said.

" You may take it from me, having been a Governor of a Dominion, that the control of the Secretary of State is a very real one ? Of course, I take that from your Lordship, and I do not pretend that I know that the control is not real."

A.—But we have been told for two generations that the Secretary of State for the Colonies is absolutely impotent to intercede on behalf of Indians in the Dominions and that the Dominions must have their own way.

(*Mr. Chairman*).—*Q.*—That does not answer my point.

A.—I have drawn, very respectfully, your attention to the other part of the truth.

(*Mr. Chairman*).—*Q.*—In reply to Mr. Jinnah you said that the electorates are capable of taking a proper decision on a broad question ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—What is the particular question that they decided in the last election ?

A.—In the last election they decided particularly in favour of the Swarajists.

(*Mr. Chairman*).—*Q.*—What does that mean ?

A.—That means Self-Government for India or Swaraj for India at the earliest possible moment.

Q.—And the condemnation of the present constitution ?

A.—They expected and believed that the Swarajists and their policy would secure that quicker and better for them than our policy could.

(*Mr. Chairman*).—*Q.*—Therefore they decided against you ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—They took a view which you did not consider to be sound ?

A.—I did not say it was necessarily sound.

(*Mr. Chairman*).—*Q.*—Mr. Jinnah asked you whether you could imagine the constitution working if you summon 104 representatives from all parts of India who can only remain at the stage of influencing the Government and you replied that you could not imagine that.

A.—The reply has been given in that passage of the Montagu-Chelmsford Report which I have quoted in my memorandum. That was my reply to Mr. Jinnah.

(*Mr. Chairman*).—*Q.*—In connection with the 104 members they represent, I see, 9,90,000 electors.

A.—I take that figure from you.

(*Mr. Chairman*).—*Q.*—Is not that rather a small electorate to the total population ?

A.—Yes.

Q.—They represent a little more than the six members of the Governor General's Council ?

A.—And they represent more than the members of the House of Commons did till quite recently.

(*Mr. Chairman*).—*Q.*—You said till quite recently. How recently ?

A.—Here is my reply (showing the memorandum). If you wish me to read it, I will do so.

(*Mr. Chairman*).—*Q.*—I will take it from you, as you took my figure when I said that the electors were 9,90,000.

Mr. Chairman then thanked the witness who then withdrew.

Tuesday, the 19th August, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. R. G. Pradhan, M.L.C., Bombay.

EXAMINED BY THE CHAIRMAN.

Q.—Mr. Pradhan, you are a member of the Bombay Legislative Council ?

A.—Yes Sir.

Q.—You have been a member since the commencement ?

A.—Since the last election.

Q.—You were not a member of the first council ?

A.—No.

Q.—What constituency do you represent ?

A.—Nasik District, Rural Constituency.

Q.—You state in your Memorandum that you always disliked dyarchy ?

A.—Yes.

Q.—You talk of the inherent defects of dyarchy. What are they ?

A.—One inherent defect of dyarchy is that it is against human nature.

Q.—I should like that explained.

A.—I have explained that in my Supplementary Memorandum.

Q.—If it is in your Memorandum, I will refer to it.

A.—It is in the second Memorandum that I sent later on, not the first.

Q.—What is the second defect ?

A.—Government is an organic whole and I do not think it is possible to divide it.

Q.—And the third ?

A.—Under dyarchy you cannot have genuine and full responsibility even as regards transferred subjects.

Q.—And the fourth ?

A.—These are the principal inherent defects of dyarchy.

Q.—I want to point out to you that paragraph 2 of your Memorandum is not quite accurate in the sense that the Joint Committee made a different recommendation when they came to deal with the Bill. You may take it from me that they did.

A.—I have not understood you, Sir.

Q.—You say that the Joint Report said that there should be re-examination after 5 years' time ?

A.—Yes.

Q.—As a matter of fact when the Joint Committee sat on the Bill, they said that it need not be examined for 10 years. You know it ?

A.—Yes, I know it.

Q.—I am merely pointing out to you that the thing was considered after the rules had been made. That was the view of the Joint Committee, you know that ?

A.—Yes.

Q.—Have you ever been a member of the Bombay Government ?

A.—No.

Q.—What is your reason then for stating that the administration of the Transferred Departments is not carried on on the principle of joint responsibility ?

A.—Recently I asked a specific question to the Government as to whether the administration of the Transferred Departments was carried on on the principle of joint responsibility and the reply that was given to me practically amounted to a negative. There was no direct reply, but it amounted to a negative.

Q.—You base it on a reply given by the Bombay Government ?

A.—Yes.

Q.—Would you tell us when that reply was given ?

A.—During the last Session of the Council in July last.

Q.—How do you suggest that the Government of India should balance their budget if you take away income-tax and stop provincial contribution ?

A.—I think the Government of India must appoint a Committee to explore every possible avenue of taxation.

Q.—But I think they have appointed a Committee ?

A.—I know they have, but I daresay.....

Q.—Would you await the recommendations of that Committee before you take away provincial contributions ?

A.—But I daresay if the question is fully investigated, some additional sources of taxation could be found out.

Q.—In regard to the Indianisation of the services in the Transferred Departments the Lee Commission report recommends that without prejudice to existing incumbents those services should be transferred to the control of the Ministers ?

A.—Yes.

Q.—They do want that ?

A.—Yes.

Q.—The effect of that rule will be that they will be completely Indianised ?

A.—Yes.

Q.—You are quite sure that the effect of the transfer will be complete Indianisation ? If these services are transferred to Ministers as proposed by the Lee Commission report, the result will be that the services would be completely Indianised ?

A.—Almost completely.

Q.—That would be sufficient for your purpose ?

A.—Yes.

Q.—That will satisfy you ?

A.—Yes.

Q.—And what about the existing people ? Would you deprive existing officials of their protection ?

A.—That will depend upon the nature of protection which they want.

Q.—I mean at the present day they have certain rights. You would not take them away ?

A.—I would not deprive them of those rights.

Q.—That is to say you would accept the Lee Commission report on that ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—The services will be mainly Indianised only in the process of time, not immediately ?

A.—As far as possible quickly.

Q.—There is one quick way of doing it. Would you propose to compensate the officers and retire them if you want Indianisation ?

A.—Yes, I have no objection to that.

Q.—You dislike reservation of seats for Mahrattas ?

A.—Yes, I dislike it.

Q.—You do not think if that is discontinued there would be dissatisfaction among the Mahrattas ?

A.—It will cause some dissatisfaction among the Mahrattas if this principle is abandoned, but you cannot help it ; you will have to face it.

Q.—You do not mind annoying them ?

A.—No.

Q.—In the interests of progress the reservation has got to go ?

A.—Yes.

Q.—What was the object in giving reservation to them ?

A.—The object was to give them a fair proportion of representation in view of the fact that it was supposed that they were so backward that otherwise they would not be able to get themselves elected.

Q.—Has it had that effect ?

A.—In the meanwhile during the last 3 or 4 years there has been a great deal of progress among them. They have been able to organise themselves to a large extent and their ambition has been so much increased that they want to capture all the seats, if possible, to oust other people also.

Q.—Would you recommend reservation of your own seat to protect you from the attacks of the Mahrattas ?

A.—So far as my seat is concerned, I think it is very safe.

Q.—Therefore your point is this, that reservation is no longer necessary ?

A.—It is not necessary now. It may be abandoned now. It has done its work.

Q.—It was necessary originally, but it is now unnecessary ?

A.—Whether it was necessary or not it has done its work.

Q.—Was there any work to do ? How many non-Mahrattas seats have you ?

A.—I may tell you in this connection that there are some districts in the Deccan in which there is no reservation of seats, and in spite of that fact the Mahrattas and the allied castes have been able to elect a good number of candidates.

(*Sir Sivaswamy Aiyer*).—*Q.*—How many seats ?

A.—11 in all.

(*Sir Sivaswamy Aiyer*).—*Q.*—Out of how many elected seats ?

A.—85 or so.

Q.—I see you recommend the extension of the franchise ?

A.—Yes.

Q.—Can you tell me roughly what is the number of the electorate in your Council ?

A.—I could not give you the exact number.

Q.—What is the population of the Bombay Presidency ?

A.—Two crores.

Q.—The electorate of the Bombay Presidency is 6,30,000. It is rather a small electorate, is it not ?

A.—Yes it is small.

Q.—Would you advise a large extension ?

A.—Fairly large. I do not mind it.

Q.—I see you say something about certain literary qualifications.....

A.—What I would propose in that connection is that at present in urban constituencies only those persons are voters who pay Rs. 36 as rental value. This limit may be lowered to Rs. 24.

Q.—Do you think that would not make a difference in the electorate ?

A.—I think it will make a good deal.

Q.—I mean a difference in the quality ?

A.—It will not make much difference so far as the quality is concerned. I am, of course, speaking of the provincial Legislative Council.

Q.—What would you say about your electorate ? Would you say that it is fairly well educated ?

A.—It is an intelligent electorate. They have a good deal of commonsense.

Q.—I take it that most of the inhabitants of the Bombay Presidency are intelligent ?

A.—Certainly.

Q.—Then why not try to enlarge the electorate ?

A.—I do not mind if it is done.

Q.—Do you think it would have any bad effect ?

A.—No.

Q.—And the quality of the electorate would remain much the same ?

A.—The quality is fairly good on the whole.

Q.—If you take the manhood suffrage the quality would be very much the same ?

A.—It will not deteriorate in Bombay.

Q.—What about Sind ?

A.—I have no personal knowledge of the conditions of Sind.

Q.—Have you ever been there ?

A.—No.

Q.—Have you ever been in the Southern districts of the Bombay Presidency ?

A.—I have been in some of the districts. I know the Satara district well.

Q.—You think that the ordinary man in the street there is just as qualified to have the franchise as any other ?

A.—Yes.

Q.—Would you like to have a big electorate there ?

A.—I will not be against it.

Q.—Would you be for it ?

A.—Certainly. It will have to come sooner or later.

Q.—Would you like it to come sooner ?

A.—I do not mind it if it comes sooner. I do not think it will do any harm.

Q.—What proportion of the population are the Mahrattas ?

A.—I asked this very question from my Government but they were unable to give me the exact proportion or any proportion between the total number of Mahratta voters.

Sir Sivaswamy Aiyer.—*Q.*—What is the proportion of the Mahrattas to the general population of the Bombay Presidency ?

A.—It is a very large proportion, say, about 75 per cent. I could not tell you the exact number just now.

Q.—You were elected from the Nasik district, non-Muhammadan Rural Constituency ?

A.—Yes.

Q.—How many votes did you poll ?

A.—I polled 3,800 votes.

Q.—And what was the total number of votes of your opponent ?

A.—3,200. There were two seats. One of them is a reserved seat. There was no contest for the reserved seat and the voters had to give only one vote.

Q.—Was that a Mahratta seat ?

A.—Yes; one seat is reserved for the Mahrattas.

Q.—If it had not been so reserved, do you think the Mahratta candidate would have got it ?

A.—There would have been a contest between him and me. There are two seats for the Nasik district. I would have got one and he would have got the other.

Q.—Supposing there were two Mahratta candidates, do you think you would have got in ?

A.—Perhaps both of them would have succeeded and defeated me.

Q.—But what do you think ? You said your seat was secure ?

A.—It depends upon the kind of candidates who come forward. My opponent, though technically not a Mahratta, was a man belonging to the backward community.

Q.—That is why you beat him ?

A.—He was not a popular man.

Q.—Because he was a member of the backward community ?

A.—No, but for other reasons. He was not a very highly educated man. I should not like to go into these things. He was not a popular man.

Q.—Is it not a fact that candidates of the backward community are not popular among the Brahmins ?

A.—I do not accept that view.

Sir Muhammad Shafi.—*Q.*—What is the connection ethnologically or otherwise, between the province of Sind and the rest of the Bombay Presidency ?

A.—My knowledge on that subject is very limited but I believe there is not much connection between the two.

Q.—You are a believer in self-government ?

A.—Yes.

Q.—And why Sind should not be allowed to govern itself instead of being governed by the Bombay people ?

A.—I do not see any reason for doing so.

Q.—So you are in favour of the separation of Sind ?

A.—Yes ; if the people of Sind want it.

Further examination of Mr. R. G. Pradhan was postponed till Wednesday, the 19th August.

The Committee rose for the day.

Examination of Mr. R. G. Pradhan—continued.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Examined of Mr. R. G. Pradhan—continued.

Mr. M. A. Jinnah.—*Q.*—In your printed memorandum you suggest (1) Council Secretaries are not appointed ; (2) the Joint Financial Secretary is not appointed; (3) Standing Committees are not appointed; (4) the administration of the Transferred Departments is not carried on on the principle of joint responsibility. Will you explain what you mean by principle of joint responsibility ?

A.—By joint responsibility I mean the joint responsibility of all the Ministers for all the departments under their control. The Ministers ought to be collectively responsible for the administration of all the Transferred Departments.

Q.—That is to say the Ministers should act jointly ?

A.—Yes, that is one part of it. Not only should they act jointly, but they should be held jointly responsible for the administration of the Transferred Departments.

Q.—To whom ?

A.—Of course to the people, to the electorate.

Q.—Then will you do away with the power of the Governor ?

A.—With regard to what ?

Q.—With regard to the joint responsibility of the Ministers ? You say they ought to be jointly responsible to the Legislature ?

A.—So far as the joint responsibility is concerned, the Governor should be a strictly constitutional Governor.

Q.—Then you say the first formula in the Montagu-Chelmsford Report regarding local self-government has not been given full effect to. Will you explain that ?

A.—It will be remembered that in the Joint Report it has been recommended that there should be full local self-government, free from outside control, and enjoying full internal autonomy. I am unable at present to quote the exact words, but that is I believe the purport of the formula. Now what I mean by saying that that *formula* has not been given full effect to is this, that though more than three years have elapsed since the enactment of the Government of India Act, the Acts in the Bombay Presidency relating to local self-government have not yet been so amended as to conform to that formula, as to give full power to the people, and to make the local self-governing bodies free from outside control.

Q.—You mean there are certain powers still reserved in the Government ?

A.—As a further illustration I may say in the Bombay Presidency there are a good many taluka boards which still have official Presidents.

Q.—There are still powers reserved to the Government which give them control in certain matters ? You say there should be no control over the municipal, local and district boards ?

A.—They should have the fullest possible freedom from control.

Q.—Next you say the Joint Parliamentary Committee recommended that an Education Board and a local Government Department should be created in each province. This recommendation has not been carried out ?

A.—It has not been carried out.

Q.—Supposing this recommendation was carried out and supposing your complaint about the disabilities of municipalities and district boards and local boards was carried out, and supposing your other recommendations (1) to (4) were carried out, then would you accept dyarchy ?

A.—No, even then I won't accept it.

Q.—Supposing the Transferred Departments were conducted by the Ministers jointly responsible to the Legislature, so far as their half is concerned, would it be possible to work it ?

A.—No, I do not think it would be possible to work it satisfactorily even under those circumstances, because my view is that the inherent defects of dyarchy are such that even, if these recommendations are carried out, dyarchy would not be satisfactory and would not give satisfaction to the people.

Q.—I should like you to tell me what would be the difficulties then ? Supposing your proposals were accepted, how would you divide the subjects ?

A.—One difficulty that appears to me is this, that even if these suggestions which I have made are carried out.....

Q.—My question is this. You have made this suggestion, you say the administration of Transferred Departments is not carried out on the principle of joint responsibility. I understand now when you give your further explanation that you want the administration of Transferred Departments to be carried on on this principle, namely that there should be joint responsibility of the Ministers to the Legislature with a constitutional Governor at their head ?

A.—So far as those departments are concerned.

Q.—Now I want to know, in carrying out the administration of Transferred Departments, how would you divide ? Would you have watertight compartments or would the Transferred Departments have anything to do with the other departments ?

A.—They should not have anything to do with the Reserved Departments except when it is absolutely necessary.

Q.—But is it possible, that is what I want to know. Supposing you are a Minister in charge of Transferred Departments and I am a Member of the Executive Council in charge of Law and Order, will you have nothing whatever to do with me and I have nothing whatever to do with you ?

A.—Though I might like to have nothing whatever to do with you, it will not be possible. That is what I have said ; I object to dyarchy even under those conditions.

Q.—Then I understand the subjects overlap and they are interwoven, one with the other, to such an extent that it is impossible to carry on half the Government on the lines of responsible government and half the Government on the lines of executive government ?

A.—Exactly, that is what I have stated when I referred to the inherent defects of dyarchy.

Q.—That is one, is there any other objection that you have thought of ?

A.—I have mentioned three ; the first objection that I have stated is this.

Q.—What do you mean by human nature ?

A.—The implications of dyarchy are such that it is against human nature to expect the Indian people to accept those implications. In other words, dyarchy is based on this principle that the Indian people are unfit to manage their affairs, even Provincial affairs.

Q.—Never mind about that ; I know you feel that very keenly ; so do I that they say we are unfit ; I want to get at facts ; never mind human nature.

A.—Human nature itself is a great fact.

Q.—I recognise the sentimental part of it ; what are the practical difficulties ?

A.—It is impossible in fact to work dyarchy, as you have said.

Q.—That is with regard to the subjects. Now do you agree with me ? Is it not another factor which makes it difficult that the outlook of the Ministers who are in charge of the Transferred Departments must necessarily be different from that of those who are in charge of the Reserved Departments, because their angle of vision is bureaucratic and the Ministers' angle of vision is popular, and does not that bring about a serious conflict ?

A.—Yes it ought to.

Q.—Do you mean human nature in that respect ?

A.—I have explained that to expect the Indian people to accept dyarchy is to expect them to accept something which is against human nature. To expect them to accept the estimate of their fitness or otherwise for self-government formed by the British people, that is against human nature.

Q.—Do you agree with this, that to have half in charge of the executive and half in charge of the Ministers is practically trying to mix oil with water ?

A.—Certainly I think so.

Dr. Paranjpye.—*Q.*—To what community do you belong ?

A.—To the Kayastha Prabhu community.

Q.—Somewhat similar to the Kayasthas of Bengal ?

A.—Yes, the same community to which Mr. Samarth belongs.

Q.—You are not a Brahmin ?

A.—No.

Q.—Kshatria caste ?

A.—Yes.

Q.—The same caste as the Mahrattas and others ?

A.—The same main caste.

Q.—Your communal interests are not the same as the Brahmins ?

A.—I do not believe in communal interests ; I have very little communal interests, if any at all.

Q.—I am talking of the interests of your caste ?

A.—They have no communal interests in fact.

Q.—In historical times your community was the rival of the Brahmin community ?

A.—Yes.

Q.—So that you are not likely to hold a specially favourable view of the Brahmins as Brahmins ?

A.—Not particularly favourable, not specially favourable.

Q.—I believe you said as regards the reservation of seats at present the Mahrattas have carried 11 seats out of 85. Do you think that is a correct statement ?

A.—When I said 85, I meant the total number of elected members.

Q.—The total number of elected members in the Bombay Presidency is 85, but you admit the Bombay Presidency contains Sind, Gujerat, as well as the Deccan and the Southern Division ?

A.—Yes.

Q.—So that, even supposing the Mahrattas carried all possible seats they could stand for, they would never carry 85 seats in the Council ?

A.—No.

Q.—Apparently from the Mahratta speaking districts, which are 9, they have only about 21 seats ?

A.—Yes.

Q.—There are only 9 seats which are possible to be competed for by the Mahrattas and—in Bombay, which is a cosmopolitan city, containing

Parsis and other communities, and then there are for the Southern Division 6 seats, out of which at present 4 are carried by the Lingayats, who are generally credited with anti-Brahmin feelings ?

A.—Yes they are.

Q.—So that 11 to 15 are the seats at present carried by classes who are supposed to be anti-Brahmin, and the total number of seats for them is 21 *plus* 6—27. Fifteen they have already carried ?

A.—Yes.

Q.—In answer to the Chairman I believe you said that if the recommendations of the Lee Commission on the services in the Transferred Departments are carried, they will be completely Indianised ? Is it your object there to do away with Europeans, or not to put any restrictions against Indians ?

A.—In those departments if we find it necessary to have, say, some expert European officers, we shall have them.

Q.—You will give a chance to Indians first of all to be appointed to these services ?

A.—Yes.

Q.—And your main object is that these services should be amenable to the Legislative Councils and the Ministers ?

A.—Exactly.

Q.—That so many people should not be put over the heads of Ministers by an outside authority—that is your object ?

A.—Quite so.

Q.—To come to another point, on page 3 of your printed memorandum you talk about a certain literary qualification for electors. Is it to be an additional qualification which every elector should have or is to bring in other people who are not at present qualified.

A.—Not an additional qualification but a qualification in itself.

Q.—So that you will not take away the franchise from any people who are at present enfranchised ?

A.—No.

Q.—But you will in addition put on the electoral roll those people not come in at present?

A.—Yes, those who may have a literary qualification.

Q.—They may not pay rent or land revenue or things like that but they will still come in ?

A.—Exactly.

Q.—What is your object in this ?

A.—At present some people who are fairly educated understand national questions and are in fact quite competent to become voters, are excluded from the franchise because they do not possess the property qualification.

Q.—Why don't they possess it? Do you think that one of the reasons for it is the joint family system ?

A.—It may be so in some cases but not in all cases. I know of some people to whom this factor of the joint family does not apply but who still do not enjoy the franchise.

Q.—Don't they pay a rent of Rs. 3 a month ?

A.—Not in the districts. For instance in the Nasik district there are some fairly educated people who do not pay more than Rs. 2 or 1-8.

Q.—What kind of literary qualification would you suggest ?

A.—Well, I would give the franchise to all those who have passed the vernacular school final examination, the 7th standard examination.

Q.—Well, do you think that would bring in a large number of new electors ?

A.—Not a very large number.

Q.—What number of people at present pass the vernacular school final examination ?

A.—I don't know.

Q.—Will you take it from me that it is 4,000 to 5,000 every year, taking all the districts together.

(*Mr. Jinnah*).—*Q.*—Can you give us an illustration of a man who is an educated man but does not pay sufficient rent to come on the electoral roll ?

A.—Schoolmasters are fairly well educated men—those who have passed the 7th standard Mahratti examination I call educated men ; or take another instance, those who have passed the matriculation examination. I daresay there are some who have passed the examination who do not pay Rs. 3 in rent or do not pay the necessary land revenue, and yet they are quite competent as voters.

(*Mr. Jinnah*).—*Q.*—Wouldn't they be a very very small number ?

A.—I do not think they are a very small number.

(*Mr. Jinnah*).—*Q.*—What would it be in the Bombay Presidency ?

A.—I don't know, but my point is whatever their number may be, why should they be excluded from the franchise.

Q.—It has been proposed to us by some witnesses that for election to the Legislative Council there should be a higher qualification.

A.—Do you mean for candidates ?

Q.—Yes. Have you thought of that subject ?

A.—I have thought about it and the only condition I would lay down, which is different from those which have already laid down is, I should raise the age limit of candidates to thirty and I would remove the residential qualification which obtains at present in some provinces. It obtains in my Presidency.

Q.—In your Presidency it has been to some slight extent removed. Formerly it was a district residential qualification, now it is a divisional residential qualification ?

A.—Well, contiguous residential qualification.

Q.—I believe you are wrong ; it is a divisional residential qualification. Anyway, what do you think of this principle of reservation of seats for the Mahratta and allied castes ?

A.—My view is this—the sooner it is abandoned the better.

Q.—And in regard to Muhammadans ?

A.—The present arrangement should continue. As regards the Sikhs also it should continue.

Q.—Official members you say should be debarred from voting on questions relating to Transferred Departments. Don't you think at present

Ministers have been making use of the official bloc to carry their proposals through or not to get defeated ?

A.—I think so.

Q.—Do you think if this official bloc is taken away from their hands they would very often be defeated ?

A.—They might find it necessary to be more amenable, more responsible to the opinion of the Council.

Q.—In your recommendations you complain in your printed memorandum that standing committees are not appointed. Have you any experience of these standing committees ?

A.—Not of any standing committee, but I am a member of the Finance Committee and the Public Accounts Committee of Bombay.

Q.—Do you think these standing committees should be committees only of the Legislative Council ?

A.—I think so—confined to members of the Legislative Council.

Q.—And not contain both members of the Legislative Council and outsiders ?

A.—No.

Q.—You have heard of the Advisory Committee on Industries in Bombay ?

A.—It may be—I don't know.

Q.—Take for instance the Department of Industries—do you think you would be able to get a good Advisory Committee if the members were confined only to members of Council ?

A.—Certainly.

Q.—How many industrial members are there in the Council ?

A.—I think four or five people represent industries. For instance, I may mention Mr. Wadia who represents Industry.

Q.—One member represents the Millowners in Bombay and another, Mr. Patel, represents the Millowners of Ahmednagar ?

A.—Yes.

(*Sir Arthur Froom*).—*Q.*—Which Mr. Wadia is this ?

A.—Mr. C. N. Wadia. Then there is another gentleman connected with the banking industry,—I forget his name.

(*Mr. Jinnah*).—*Q.*—Mr. Lalji is another ?

A.—Yes.

Q.—So you think these standing committees should be entirely recruited from the members of the Legislative Council ?

A.—Yes.

Q.—Don't you think if there are these standing committees it will be a way for the Minister to evade his responsibility ?

A.—I don't think so.

Q.—You say that in your presidency an Education Board and a Local Government department have not been constituted. Do you know that in other provinces these boards and departments do not contain only members of the Legislative Council ?

A.—If that is so I should object to it. I would not like it.

Q.—So you want to concentrate all power in the hands of members of the Legislative Council ?

A.—All power that is allowed to them under the constitution.

Q.—These standing committees as well education boards and local government boards will be only advisory ?

A.—Only advisory.

Q.—Well, do you think on all these committees competent members of the Legislative Council could be obtained ?

A.—A fair number.

Q.—Take for instance, the Education Board. How many people, who are educationists, are there in the Bombay Legislative Council ?

A.—What do you mean by educationists ?

Q.—I mean those who have some practical acquaintance with the management of educational institutions. After all the Education Board has to be an expert board.

A.—I wouldn't call a man who is concerned with the management of any educational institution—I wouldn't say, that he alone is an educationist. A man may be an educationist and yet he may not be connected with any educational institution.

Q.—At any rate on such a board it is desirable to have someone with practical acquaintance with education.

A.—I quite agree but if it is not possible to have them it doesn't matter.

Q.—So you would like to have on the Education Board possibly everybody unacquainted with education, and you would be content with such a possibility ?

A.—If no education experts could be had from among the members of the Council, I wouldn't mind ; but if we could have such educational experts from among the members themselves, so much the better.

Q.—Now in your typewritten memorandum you talk of a certain recommendation from the members of the I. C. S. in the Central Provinces. Could you quote the extract which you promised to quote ?

A.—Yes, I have got the book with me.

(On the suggestion of the Chairman, it was agreed to circulate the book among the members of the Committee, instead of witness reading it out).

This is a book the title of which is " The Future Government of India and the Indian Civil Service ": Papers edited by Earnest Barker, M.A. Certain members of the Indian Civil Service in the C. P. wanted to send some memoranda to the Secretary of State. It appears they were not allowed to do so. Then later on they sent those memoranda, those papers, to Mr. Barker who was their College Professor with the request that he might make any use of them which he thought proper and if he at all thought proper. Mr. Barker then published the book in which he refers to those memoranda and in chapter 6 he particularly refers to the view expressed on the subject of the transfer of the departments of law and justice.

(*Mr. Jinnah*).—*Q.*—And do you agree with that view.

A.—I agree with it.

Sir Arthur Froom.—*Q.*—Has Mr. Barker ever been in India ?

A.—I don't know.

Q.—On page 5 of your supplementary memorandum you say that self-government is not a matter which should be experimented with. I do not wish to read the whole paragraph but I gather that you are of opinion that the people should be judged fit to have self-government or not to have self-government at all.

A.—Yes.

Q.—You adhere to that opinion ? Do you think the history of nations bears out that opinion. Take for instance the history of England. Self-government in England grew up gradually over a large period of years ?

A.—You mean the extension of the franchise ?

Q.—I mean that years and years ago England used to be very autocratic it was only gradually they introduced self-government.

A.—But I do not think the English people ever thought themselves unfit for self-government.

Q.—In fact, you take this view, that a man who could not swim is to be thrown into deep water left to try and learn to swim by himself or to sink, instead of being taught gradually to swim.

A.—These analogies are misleading. They only express half truths, not whole truths.

Q.—You say that there may be some sort of intermediate stage till the education of the people of the province of Bombay.

A.—I have said that there can be only one intermediary stage and it is that in the first place all the provincial subjects should be transferred and later on all central subjects.

Q.—You call immediate transfer of all provincial subjects an intermediary stage ?

A.—All provincial subjects should be transferred to popular control.

Q.—I won't call it an intermediary stage. I would call that very drastic straight away.

A.—I call it an intermediate stage.

Q.—I take it from pages 7 and 8 of your second memorandum that on general principle you are against communal representation.

A.—Not so far the Muhammadans and Sikhs are concerned. I object to the reservation of seats for the Mahrattas. On the contrary, I have said in my second memorandum, in the last but one paragraph, that the present arrangements about the communal representation of Muhammadans and Sikhs should not be upset.

Q.—You make those two exceptions ?

A.—It will take a long time to express my view on the subject. In principle I do not approve of communal representation.

Q.—You say you don't like it in connection with local self-governing bodies.

A.—No.

Q.—What self-governing bodies have you got in your mind ?

A.—Municipalities, District and Local Boards, Taluk Boards and other self-governing bodies.

Q.—Will you call the Port Trust in Bombay a local self-governing body ?

A.—Yes, to some extent.

Q.—Will you say that members of the Port Trust should be elected at a general election ?

A.—I must frankly admit that I have not studied the subject with reference to the Port Trust.

Q.—You are against dyarchy ?

A.—Yes.

Q.—Of course, you have a thorough understanding of dyarchy ?

A.—I hope so.

Q.—Were you a Member of the first Reformed Provincial Council ?

A.—No. I am a member now.

Q.—You think that all the members of the first Provincial Council of Bombay understood dyarchy ?

A.—Yes.

Q.—All of them ?

A.—It is so difficult to say whether all understood it.

Q.—You think they understood it in the way it should be applied under the Government of India Act ?

A.—Yes.

Q.—They were all thoroughly well-educated in the subject of dyarchy ?

A.—They were educated people.

Q.—Some of the witnesses we have had before us said that they did not understand it completely as it might be applied under the Government of India Act. Do you consider the electorate of Bombay understands dyarchy ?

A.—Yes.

Q.—All ?

A.—I cannot put my finger upon each and every elector and say that he understands it.

Q.—You think they understand it ?

A.—Yes.

Q.—You do not think that it is a term which sounds rather dreadful. It is a dreadful sort of word and so they say they don't like it ?

A.—It used to sound very dreadful at the beginning.

Q.—It almost sounds something like anarchy. I am very glad that your opinion, of the Presidency of Bombay, in which I live, is that the electorate is so high that they understand dyarchy. I have been in the Bombay Presidency for a long time and I did not know that they were so advanced as that. In answer to a question from Mr. Jinnah you objected to the Executive Members of the Government of Bombay. You said that they had a very bureaucratic view and that their angle of vision was bureaucratic ?

A.—I said something like that. I do not remember exactly what I said.

Q.—And that the Minister's angle of vision would not be bureaucratic ?

A.—It will be more popular.

Q.—You said they will have a different angle of vision ?

A.—Yes.

Q.—One witness we have had before us—an *ex*-Minister—to my mind held most advanced bureaucrative views.

A.—I do not think so.

Q.—The reason for my asking this question is this. You said that you should do away with the Executive Members altogether and have all Ministers. I put it to you that the members of the whole of your Provincial Council are not likely to be as clever as the Ministers. The whole of the Members of the Bombay Provincial Legislative Council would be unlikely to be as clever as the Ministers.

A.—That depends upon the men who are appointed as Ministers. Some Ministers may not be clever at all. It is not always the clever men that are appointed as Ministers.

Q.—Quite so. What I am trying to bring home to you is this. Supposing they were Ministers in Bombay. When they have been working for some time, they might easily be liable to the charge of being bureaucratic. You don't think so ?

A.—Not unless they have shown a tendency to be bureaucractic.

Q.—In your printed memorandum—I was very interested to see it —you suggest changes in the present constitution which might be effected without contravening the structure, policy and purpose of the Government of India Act.

A.—Yes.

Q.—When making those suggestions had you in your mind that it would be unreasonable to change the Government of India Act when it has been in existence only for so short a time ?

A.—No. I interpreted the terms of reference to this Committee in such a way that my opinion was that they precluded the Committee from making any recommendations for overhauling or modifying the Act itself.

Q.—You thought that this Committee cannot upset the structure and policy of the Act.

A.—Yes.

Q.—But they can make recommendations to amend the Act ?

A.—Yes. I tried to confine myself as far as possible to changes which can be introduced without amending the Act.

Q.—In your heart of hearts did you think that it would be unreasonable for this Committee to suggest to the Government after only such a short time that this Act should be scrapped ?

A.—That is not my opinion.

Q.—You think it ought to be scrapped ?

A.—It should be revised ; it should be amended. I would not use the word " scrapped altogether ". I said that it should be amended.

Q.—You think that the present constitution has had a fair trial in the short space of three or four years ?

A.—Enough trial.

Q.—Quite enough ?

A.—Such trial as it deserves.

Q.—You would not like to go on for 10 years ?

A.—No.

Q.—You think 10 years is a very long time ?

A.—Yes.

Q.—It is in your life and in my life. But I don't think that ten years is a very long time in the history of a country or of an Empire.

A.—It is a very long time. 10 years is a long time, particularly in the present condition of India and the stage at which India has arrived.

Q.—I do not think 10 years is a long time.

A.—I think it is.

(*Sir Sivaswami Aiyer*).—*Q.*—You did not like the analogy put by my friend. Suppose I put to you the analogy in a different way. A man is asked to learn to swim with one hand and one leg tied. Do you think that the experiment, before he is allowed to use the other hand and foot, would be a success ?

A.—It cannot be a success.

(*Sir Sivaswami Aiyer*).—*Q.*—That analogy is quite acceptable to you ?

A.—Yes.

Q.—I do not think I can accept this analogy. I do not think any man would ask a man to learn to swim in that way. He won't be a practical man. I think my analogy is a practical one.

Sir Sivaswamy Aiyer.—*Q.*—Do you think it is easy to separate the subjects between Reserved and Transferred Departments in a clear cut way ?

A.—It is very difficult to do so.

Q.—It is almost impossible ?

A.—Impossible.

Q.—You refer in your printed memorandum to the first formula in the Montagu-Chelmsford report. Will you please refer me to it ?

A.—This is the formula. (Reads) " There should be, as far as possible, complete popular control in local bodies and the largest possible independence of outside control."

Q.—Do you understand that formula to mean that there should be no interference with any local body, however grossly it may misconduct itself ?

A.—I do not understand it in that sense. If the mismanagement is very gross, the Minister should have the power of intervening.

Q.—And sometimes even take drastic measures ?

A.—Yes, if they are absolutely necessary—if there is no other alternative.

Q.—There have been such cases in your Presidency, I presume ?

A.—Yes, but I do not think that they were fit cases.

Q.—You do not agree as regards particular cases, but you are not against the principle of interference where there is gross misconduct ?

A.—No.

Q.—With regard to the age qualification for candidates, you said you would like it to be 30.

A.—Yes.

Q.—Are there many instances of youngests below 30 in your Legislative Council ?

A.—I know of at least one. My friend Mr. Shinde who was here with Mr. Surve is about 25 or 26 years old. He is a member.

Q.—How many such men are there ?

A.—Not many.

Q.—Is it worth while introducing any such qualification ?

A.—I should not like youngsters below 30 to be Members of the Council.

Q.—Is it a practical proposal ?

A.—It is practical proposal. If it is laid down in the rule, why should it not be practical ?

Q.—Is it worth while introducing any safeguard against such a contingency when, as a matter of fact, you find very few people below 30 getting in ?

A.—They might be very few, but I should like to raise the limit to 30.

(*Sir Muhammad Shafi*).—*Q.*—Would you exclude that friend of yours from the Council ?

A.—If it is laid down in the rules, he will necessarily be excluded. I won't exclude him. The rule would exclude him. The constitution will exclude him.

(*The Maharaja of Burdwan*).—*Q.*—Is it not a fact that in the British Parliament in the House of Commons,—the age limit is 21 ?

A.—It may be, but I do not approve of it.

(*Mr. Chairman*).—*Q.*—You like old men ?

A.—I like old men and mature young men.

(*Mr. Chairman*).—*Q.*—You like elderly men ?

A.—30 is not elderly. I do not want them to be quite youngsters.

(*Sir Muhammad Shafi*).—*Q.*—You consider that the work done by Members of the Provincial Legislative Councils in India more difficult and more responsible than that done by Members of the House of Commons in England ?

A.—I do not understand how that question arises.

(*Sir Muhammad Shafi*).—*Q.*—Because there 21 is the limit and you want to raise it to 30 here ?

A.—It is a question which students of constitution naturally like to study. I hold that view as a student of constitution.

Q.—You claim a share of the income-tax for Bombay.

A.—Yes.

Q.—As a matter of fact, you do get something under the Meston award.

A.—Very little—practically nil for the last year.

Q.—How do you propose to provide for the deficit in the Central Government ? Have you any solution ?

A.—The solution should be some drastic measures. There must be further Indianisation of the services. I think that the military expenditure ought to be cut.

Q.—You mean by retrenchment ?

A.—By retrenchment and I think that the question of exploring the avenue of taxation should be investigated.

Q.—You are willing to have further taxation for the benefit of the central government ?

A.—If it is found after enquiry that further taxation should be imposed and at the same time if care is taken to see that that taxation does not press upon the poor people.

Q.—You said with regard to the services that if they were transferred they could be completely Indianised. You said that in answer to the Chairman. Is that a necessary consequence of transfer ?

A.—Not a necessary consequence. Not an inevitable consequence.

(*Mr. Chairman*).—I think I modified that—I said generally Indianised.

A.—I said almost completely.

Q.—You say that the franchise should be so widened as to include those who possess a certain literary qualification. What exactly is your idea ?

A.—I have explained that in reply to a question by Dr. Paranjpye.

Q.—Does it mean those who possess a literary qualification, but who are without a penny ?

A.—Yes, this should be a qualification by itself. Not without a penny but without the property qualification. They may have many pennies, but not the proper property qualification.

Q.—But as a matter of fact do you think that the number of people who possess the literary qualification but who have no property qualification at all is likely to be extremely small ?

A.—Well, whatever the number may be, I object to their exclusion. I think that if there is one single man who deserves to have a vote he should have that vote, and he should not be excluded.

Q.—And would the possession of literary qualification, without any means whatever, tend to give a sense of responsibility ?

A.—It does not mean that. That only means he has means but he does not satisfy the requisite property qualification. For instance, take the schoolmasters. They have means.

Q.—What is the property qualification you would like him to possess ? Take the case of a man who has got your literary qualification. What further property qualification would you like him to have ?

A.—With regard to those who possess the minimum literary qualification I do not insist upon any property qualification at all.

Q.—Even if he is a pauper you would let him have it ?

A.—Yes. But he is not likely to be a pauper.

Q.—If he is not likely to be a pauper is not your object likely to be met by merely lowering the franchise ?

A.—Not in all cases. If you lower the franchise to this extent as to make it in fact one man one vote then my object will be gained.

Q.—To what limit would you lower the franchise ?

A.—Ultimately to one man one vote.

Q.—But I am asking you in the immediate future ?

A.—As I said yesterday, if even to-day adult franchise is introduced I would not mind it.

Q.—You mean manhood franchise and universal suffrage ?

A.—Manhood suffrage as well as womanhood suffrage.

(*Mr. Jinnah*).—*Q.*—We do not want what you won't mind, and what you would not object to. But what is the practical suggestion that you want to make in regard to the immediate future ?

A.—My practical suggestion is this. So far as the Bombay Presidency is concerned, in the immediate future I would like to reduce the franchise for voters in urban constituencies other than Bombay and Karachi cities.

(*Mr. Jinnah*).—*Q.*—You mean for the Provincial Council ?

A.—Yes. From Rs. 36 as rental value per year to Rs. 18.

(*Mr. Jinnah*).—*Q.*—That is in your memorandum ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—I may tell you that in Madras the Franchise is Rs. 10.

A.—But that is not the case in the Bombay Presidency.

(*Mr. Jinnah*).—*Q.*—The extension of the Madras limit would satisfy you ?

A.—Yes. Then Rs. 32 in the case of those who pay assessments.

(*Mr. Jinnah*).—*Q.*—In Madras it is Rs. 3 municipal franchise and Rs. 10.

A.—In Bombay it is Rs. 32. That should be lowered to Rs. 16.

Sir Henry Moncrieff Smith.—*Q.*—You say in your original memorandum " Official members should be debarred from voting on question relating to Transferred Departments." You do not suggest that the official members should be abolished altogether ?

A.—No.

Q.—I want to ask you only one other question. Towards the end of your supplementary memorandum you make some suggestion with regard to the Central Government. You say, " The majority of members of the Governor General's Executive Council should be Indians. They should be chosen from among a panel of ten members elected from among themselves by the elected members of the Legislative Assembly and the Council of State. They must resign in case a vote of ' no confidence ' is passed against them by the Legislative Assembly." In what respects does that scheme for the Central Government differ from dyarchy in the provincial Governments ?

A.—This is not dyarchy as I understand it. There is no division of subjects into transferred and reserved subjects. I do not suggest that.

Q.—But you have half of your Government in a way, though not in the letter, yet in the spirit, responsible to the Legislature—they have got to resign.

A.—If a vote of no confidence is passed.

(*Mr. Jinnah*).—*Q.*—He says majority, and not half.

Q.—You do not think that a proposal like that would be " against human nature " ?

A.—No. Otherwise, I would not have made it.

Q.—This suggestion of yours that more than half the members of the Executive Council should be selected from an elected panel—do you base that on any precedent in any existing constitution in the world ?

A.—I am not aware of any precedent.

Q.—But do you think that it will be suitable for India ?

A.—This is suggested simply as a transitory arrangement but I have stated later on that the question cannot be solved except by full responsible government. I have said, " These, however, are palliatives or temporary arrangements until the Act itself is amended. The problem itself cannot be solved except by the establishment of full or almost full responsible Government."

Q.—But you do not think that it will be safer to base your constitution here even though it is a transitory one, on some existing precedent ?

A.—If a better one can be suggested based on some precedent I would prefer that to mine.

(*Mr. Jinnah*).—This proposal that you have made with regard to the Central Government—do I understand that you made it on the footing that it was not open to the Committee to recommend an amendment of the constitution ?

A.—Yes, that is so ; in fact, almost the whole of my memorandum is based on that.

(*Mr. Chairman*).—We understand that.

Q.—Do you say that Parliament is not entitled to ask for any positive evidence of fitness of India for grant of full responsible government ?

A.—Not only that. What I say is that unless the Indian people themselves accept the estimate formed about their fitness by the British people or the British Government, they cannot be reconciled to dyarchy and dyarchy cannot work satisfactorily. That is the premise on which dyarchy is based. A certain estimate of Indian fitness is made by the British people and the British Government and the Indian people are asked to accept it without demur.

Q.—I do not quite follow. You say that India must say what degree of fitness it has reached for responsible government and having said that, the Parliament and the British people should accept India's own estimate ?

A.—We, Indians, think ourselves to be fit for self-government, but the British people have certain ideas about our fitness and dyarchy is based on those ideas. Unless we are prepared to accept those ideas it is not possible to work satisfactorily.

(*Mr. Jinnah*).—*Q.*—Are you prepared to accept those ideas ?

A.—Certainly not.

(*Mr. Chairman*).—*Q.*—You wish to be the judge of your own fitness ?

A.—We are the best judges of our own fitness.

Q.—In fact you regard it as an insult to India that anybody outside should attempt to decide for India ?

A.—I would not use such a strong word as insult.

Q.—It is an unpleasant implication ?

A.—Others are perfectly entitled to judge of our fitness just as we are entitled to judge of the national character of the English people. Every nation is entitled to judge of every other nation, but it does not follow from that that every nation will accept the estimate formed by any other nation of the qualities possessed by that nation.

(*Mr. Jinnah*).—*Q.*—You believe in the principle of self-determination ?

A.—Yes. I believe in it absolutely.

(*Mr. Chairman*).—*Q.*—For everybody, for all races, for all people ?

A.—Ultimately for everybody.

(*Mr. Chairman*).—*Q.*—But you cannot have it ultimately. You believe in it for all civilised people ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Civilised and uncivilised ?

A.—Ultimately even for all savage people.

(*A Member*).—*Q.*—When they get civilised ?

A.—Yes. Even people in Africa should have self-government in the fulness of time.

Maharaja of Burdwan.—What has been your practical experience about dyarchy in your province ?

A.—It is a failure.

Q.—That is the parrot cry all over the country at the present moment. But I want to know what has been your practical experience of dyarchy in your own presidency ?

A.—My practical experience of the working of dyarchy is of course, very brief. I have not been a member of Government. I am only a new member of the Legislative Council. My experience of the working of the Legislative Council has lasted only for about eight months, but even during that period my impression is that it is not working satisfactorily. I will tell you one reason what leads me to think so. The Ministers do not think themselves to be responsible to the Legislative Council and moreover when questions arise which are in consonance with popular opinion but which are against the view of the Government as a whole, the Ministers do not take the popular view even though they may agree with the popular view—they leave aside the popular view and accept the view of the Government as a whole.

Q.—In other words you think that the Ministers ignore the very body from which they have come or they have gone into the Government and they are always in funk regarding the executive. Is that what you mean ?

A.—The very conditions are such that they rather side with the official view even though they themselves do not accept or agree with the official view as against the view expressed by the majority of the Legislative Council.

Q.—In other words you think when they get into the official circle they go round and round ?

A.—May I illustrate it ? Take the case of prohibition which recently came up in the Bombay Legislative Council.

Q.—Prohibition of what ?

A.—The policy of prohibition of liquor. A certain resolution was brought forward recommending that prohibition should be introduced in the Bombay Presidency in 10 years. That was the popular view, the view of the majority of the council. But from the manner in which that resolution was dealt with by the Ministers, particularly the Minister in charge of the Excise Department, the impression conveyed was that he was not making himself amenable to the opinion of the Legislative Council.

Q.—Probably the Minister himself was not for dry Bombay. He might have had a weakness ?

A.—I do not think so. In the very first speech that he made as a minister during the discussion of the budget, he declared himself that he belonged to that community which stood for prohibition.

Q.—In theory ? Not in practice ?

A.—He belongs to the Islamic community and he said that Islamic community always stood for prohibition, absolute prohibition.

Q.—You mentioned that you had no Standing Committees, because there is nothing in the statute about Standing Committees, but am I to understand that in your Legislative Council there are no Standing Committees ?

A.—No Standing Committees such as are recommended by the Joint Parliamentary Committee.

Q.—In other provinces there are Standing Committees, and I understood from you, I think in reply to a question from my friend Dr. Paranjpye, to say that you would only have members of the Legislative Council on the Standing Committee ?

A.—Yes.

Q.—Have you heard from anyone with practical experience of the working of Standing Committees in other provinces ?

A.—No.

Q.—Your contention is that because the Joint Parliamentary Committee discussed that and recommended that, you would like it to be tried in your Presidency ?

A.—Yes.

The President then thanked the witness who then withdrew.

Saturday, the 20th August, 1921.

Witness :—Mr. M. Barkat Ali, on behalf of the Punjab Provincial Moslem League.

EXAMINED BY THE CHAIRMAN.

Q.—You have set out in the Memorandum, Mr. Barkat Ali, your own views and you are also to give evidence on behalf of the Punjab Provincial Moslem League ?

A.—Yes.

Q.—But I notice there is no difference between the two memoranda, your own and that of the Moslem League, except that the Moslem League have added paragraph 4. Is that so ? Your personal memorandum contains 3 paragraphs and the one submitted on behalf of the League contains 4 paragraphs. Is that so ?

A.—Yes.

Q.—Will you tell us about your League ?

A.—The Provincial Moslem League is a branch of the All-India Moslem League and is the most representative political institution of the Punjab Muhammadans.

Q.—Where is its head-quarters ?

A.—Its headquarters is at Lahore.

Q.—Has it got any corporate existence ?

A.—In the sense of registration ?

Q.—Yes.

A.—No.

Q.—Have you got a register of members ?

A.—Yes.

Q.—Have you got any subscriptions ?

A.—Yes, we have got subscriptions ; I believe about Rs. 5.

Q.—Do you publish any balance sheet ?

A.—Things have not come to that. We just carry on.

Q.—How many members have you got roughly ?

A.—At present there are between 400 and 500 members.

Q.—All Muhammadans ?

A.—Yes.

Q.—That is the qualification ?

A.—Yes ; undoubtedly only Muhammadans can become members.

Q.—Who is your President ?

A.—Mr. Mian Abdul Aziz, Bar-at-Law, who is a member of the Legislative Council.

Q.—And what is your governing body ?

A.—We have a council consisting of something like 75 members.

Q.—But you must have a smaller executive body ?

A.—Originally we had a smaller body, but in obedience to the constitution of the All-India Moslem League, the strength of the council was raised to 75, so as to admit of full representation of the mofussil.

Q.—What is your executive body ? You cannot work it with 75 members ?

A.—The executive body is the council and the strength of the council is 75. It has only lately been raised ; formerly it was something like 32.

(*Sir Muhammad Shafi.*)—*Q.*—The council represents the whole province ?

A.—Yes.

Q.—Have you a paid Secretary ?

A.—We have an Honorary Secretary ; all along we have had an Honorary Secretary.

Q.—You are a political association ?

A.—Yes.

Q.—And you definitely put forward the Muhammadan view ?

A.—Yes.

Q.—Do you do any propaganda ?

A.—We hold a provincial conference.

Q.—During the last election did you do any propaganda ?

A.—There was not a very organised propaganda, but there was some propaganda.

Q.—How many members of your association are members of any legislative body ?

A.—I believe a very large number of the members of the Legislative Council are members of our body, and most of the members returned to the Legislative Assembly are our members.

Q.—Were they put forward by you as a political association or did they join you ?

A.—Some of these candidates were run as provincial league candidates in opposition to Khilafat.

Q.—Did you select candidates ?

A.—Yes, we did select candidates.

Q.—How many—can you remember roughly ?

A.—So far as the province is concerned, we selected something like 20 candidates.

Q.—That was done at a general meeting ?

A.—Yes.

Q.—And you issued posters, etc. ?

A.—Through the press.

Q.—Not personally ?

A.—Not directly.

Q.—What is your position in the league ?

A.—I am the vice-president and also a member of the council.

Q.—Are you a member of any of these legislative bodies ?

A.—No.

Q.—Were you ever a member of a legislative council ?

A.—No; I stood for the Assembly.

Q.—Were you successful ?

A.—We had a Khilafat candidate and he got it.

Q.—What constituency was it ?

A.—East Central Punjab Muhammadans.

Q.—That is communal constituency ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Who was your rival candidate ?

A.—Mr. Saddiq Husain.

Q.—Is there any other Muhammadan association besides yours in the Punjab ?

A.—There is none, unless it be the Khilafat organisation ?

Q.—Is that an association ?

A.—They are doing more and more political work now.

Q.—That is a political association ?

A.—Yes.

Q.—Your rival was not put forward by that association ?

A.—He was put forward by the Khilafat Association definitely.

Q.—Who was the sitting member ?

A.—The sitting member was Chaudhri Shahabuddin.

(*Mr. Jinnah*).—*Q.*—Do I understand that the Khilafat organisation in the Punjab actually put forward candidates for the elections to the various legislatures ?

A.—They did. Though openly they said they had nothing to do but really they did put forward candidates and some of the strongest Khilafat workers actually canvassed.

(*Mr. Jinnah*).—*Q.*—I do not mean what they did actually. Did they put forward candidates *officially*.

A.—To my mind that made no difference. Officially they said they had nothing to do, but practically they did.

(*Mr. Jinnah*).—*Q.*—In other words they helped candidates ?

A.—Some Khilafat workers in my province actually canvassed for candidates.

Q.—They supported their own candidates ?

A.—Yes.

Q.—How many votes did you get ? Do you remember ?

A.— I got something like 300 votes.

Q.—And the candidate who was returned got 700 ?

A.—He got something like 1,100 votes.

Q.—My Honourable colleague would put you most of the questions, but I would just like to ask you one or two things. Will you turn to paragraph 4 ? You put forward propositions (*a*), (*b*), (*c*), (*d*) and (*e*). Are these mutually essential ?

A.—That is the position of the League.

Q.—They are mutually essential ?

A.—Yes.

Q.—What I mean is that you will not accept your scheme if any one of those 5 conditions are not satisfied ?

A.—Unless it be in regard to (*e*). (*a*) to (*d*) are essential and we should have some safeguard on the lines of (*d*).

Q.—Let me have it quite clear. (*a*) to (*d*) are absolutely essential. Unless you could have joint electorates, unless you have full religious liberty.

A.—We do not want joint electorates.

Q.—Communal electorate ?

A.—Separate electorate.

Q.—Unless you have separate electorate, unless you have full religious liberty and unless you have the guarantee that the Moslem majority is maintained in the Punjab, Bengal and the North-West Frontier Province, you do not want (*a*) ?

(*Sir Sivaswamy Aiyer*).—*Q.*—You do not want (*a*), (*b*) and (*c*) ?

A.—(*b*), (*c*) and (*d*) are closely interwoven with (*a*). (*a*) (*b*), (*c*) and (*d*) stand together.

(At this stage Sir Muhammad Shafi took the chair).

Sir Muhammad Shafi.—*Q.*—The whole scheme is one scheme ?

A.—Yes, one scheme.

Q.—I want to put to you a few questions about the Hindu-Muhammadan situation in the Punjab. The majority of the population in the Punjab are agriculturists. Are they not ?

A.—Undoubtedly.

Q.—About 90 per cent. of the population in the Punjab live on agriculture directly or indirectly ?

A.—Yes.

Q.—Now, is there any Hindu-Muhammadan racial bitterness or feeling in rural areas ?

A.—Nothing of the kind.

Q.—Because the interests of the Hindu and Muhammadan population in the agricultural portion of the Punjab are common ?

A.—Yes, identical.

Q.—They have common interests ?

A.—Yes.

Q.—Now I come to the urban areas. You know that in the Punjab the number of towns exceeding 20,000 in population is very small ?

A.—Yes. There are only a few large towns in the Punjab.

Q.—In fact, the majority of municipal towns in the Punjab are really large villages ?

A.—Quite.

Q.—In the smaller towns, is there any bitterness of feelings between the Hindus and the Muhammadans ?

A.—Not much.

Q.—So that this acute phase of communal feeling which is talked of so much exists mainly in the bigger towns in the Punjab ?

A.—In the larger towns of the Punjab.

Q.—Like Multan, Lahore and Amritsar ?

A.—You may add to these Rawalpindi also.

Q.—Speaking generally, the Hindu-Muhammadan differences in these larger towns are mainly confined to the educated classes ?

A.—That is true. But the non-educated people of these urban areas do follow the educated classes.

Q.—And this fight is confined to those who depend on service for their maintenance. In other words, it is a fight for loaves and fishes ?

A.—Quite so. That is the prominent feature of these big areas.

Q.—Turning to the causes of this state of things : Is it not a fact that when the knowledge of English was made a *sine qua non* for entry into service, it was our Hindu brethren who first took to English education in the Punjab ?

A.—I believe one might say that the Hindus took to English education earlier than the Muhammadans all over India.

Q.—Because of their wonderful capacity of adaptation to the changing conditions ?

A.—Quite.

Q.—The Muhammadans turned their attention to this necessity many years after the Hindus had started the acquiring of this knowledge ?

A.—Quite so.

Q.—The Muhammadan education was mainly due to the movement started in Northern India by the late Sir Syed Ahmad Khan towards the nineties of the last century ?

A.—Yes between 1885 and 1890.

Q.—It was somewhere near 1886 that he started the educational movement ?

A.—Yes.

Q.—It was mainly in the Punjab that this movement became really successful ?

A.—This movement was not so very successful in other provinces as in the Punjab, so much so that Sir Syed himself used to call the Punjab Muslims as " Zinda Dilan-i-Punjab ", the living hearts of the Punjab.

Q.—That was the title given by Sir Syed to the Muhammadans of the Punjab ?

A.—Yes.

Q.—As a result of that movement the Anjuman-i-Himayat-i-Islam of Lahore made great efforts towards the advancement of Muhammadan education ?

A.—Sir Syed's movement gave a great fillip to the activities of the Anjuman-i-Himayat-i-Islam.

Q.—And the Anjuman started an Islamiya College in Lahore ?

A.—Yes.

Q.—How many High Schools has the Anjuman in Lahore at the present time ?

A.—Three.

Q.—And there are High Schools at the headquarters of almost every district in the Punjab in which there is a considerable portion of Muhammadan population ?

A.—Quite so.

Q.—And a very large number of Muslim primary schools all over the province ?

A.—Yes.

Q.—These are in addition to Government schools ?

A.—Yes.

Q.—By the time that this Muhammadan awakening took place, is it not a fact that in the Punjab practically all appointments in the various services open to Indians had been occupied by our Hindu brethern ?

A.—It is a fact.

Q.—And after having acquired education, the Muhammadans naturally desired to have their share in the various administrative services ?

A.—Quite.

Q.—It was then a fight between the vested interests and those who aspired to get their due share ?

A.—That is the real analysis of the situation.

(*Mr. Jinnah*).—*Q.*—How do you propose to put an end to this fight ?

A.—I think it is a temporary phase. It will disappear with better sense.

Q.—This fight is limited to the circles who live on service for their maintenance ?

A.—Yes. There are people of both communities who realise that this squabble for loaves and fishes is really not a very dignified one and that it would be better if a fair and reasonable adjustment is come to between the two parties. I think the solution of this trouble is only a matter of time now.

Q.—Let us now turn to another cause. As a result of the operation of the money-lending classes in the Punjab, is it not a fact that towards the end of the last century the expropriation of agricultural classes had become a political danger in the province ?

A.—Quite so and this led to the introduction by Mr. Thorburn of the Land Alienation Bill.

Q.—And it so happens that the majority of the agriculturists in the province are Muhammadans ?

A.—The majority, of course, is of Muhammadans. Then come Sikhs and then Hindus.

Q.—Now please try and fix your mind to the period when the Punjab Land Alienation Act was passed. Was there any separate Hindu agricultural organisation then ?

A.—None.

Q.—There was no separate Sikh agricultural organisation at that time to protect their interests ?

A.—No.

Q.—The only agricultural section of the population who were vocal were Muhammadans ?

A.—Yes.

Q.—They had a press ?

A.—Yes.

Q.—And they had their various Anjumans at that time ?

A.—Yes.

Q.—The result was that the Muhammadan press and the Muhammadan Anjumans supported the Punjab Land Alienation Bill ?

A.—Quite so.

Q.—While the Hindu urban press and the Hindu urban associations, who were in support of the money-lending classes, opposed it ?

A.—The remedy in the shape of this Land Alienation Act was actually suggested by the officials of the day, Mr. Thorburn, and other important officials, who saw in the increasing expropriation of the landowning classes of the province a political menace of great magnitude. The Muhammadans and the Sikhs were in favour of that Act but there was certainly a distinct opposition to that policy on the part of the money-lending classes.

(*Mr. Jinnah*).—*Q.*—Was there any section of the Hindus that supported that measure ?

A.—No, the Hindus did not support it because they are not really an agricultural community.

Q.—But the Hindu agriculturists supported that measure and so did the Sikhs ?

A.—Yes, certainly.

Q.—So that unfortunately, merely by accident, the controversy became a Hindu-Muhammadan controversy ?

A.—Quite so.

Q.—Because the members of one section were supporting that measure and the members of the other section were opposing it ?

A.—As a matter of fact, whenever there has been a proposal from the Hindu side for the repeal of the Land Alienation Act, the Sikhs and the Hindu agriculturists have always stood up in defence of that legislation. So that it is really not a Hindu-Muslim problem.

Q.—It was therefore really speaking an agricultural *versus* non-agricultural controversy and not Hindu and Muslim controversy at all ?

A.—Quite.

Q.—During the last three or four years another cause has been added and that is the *shuddi* movement, which has only recently been started by a certain gentleman ?

A.—Yes.

Q.—And unfortunately the *tabligh* movement started by the Muhammadans in reply to the *shuddi* movement ?

A.—Yes.

Q.—So far as the first cause is concerned, namely the appointments, that cause is common to the Punjab and the other provinces. That is not peculiar to the Punjab alone ?

A.—No.

Q.—So far as the last cause is concerned, namely the *shuddi* and the *tabligh* movements, that also is common to the Punjab and the neighbouring tracts ?

A.—Quite.

Q.—In connection with these two religious movements, unfortunately on certain occasions riots have taken place in two or three places in the Punjab ?

A.—Not exactly due to those religious movements but as a result of the bitterness caused by those movements. There were some riots in Multan and other places. We had no riot in Lahore. There was some trouble in Lahore but it was a small one. It was certainly not of the kind that they had in the United Provinces.

Q.—No such disturbances have taken place in any rural areas ?

A.—None whatever.

Q.—Nor even in the headquarters of those districts which I have characterised as really large villages ?

A.—No.

Q.—So it is only in two or three of these bigger places that these unpleasant incidents have taken place ?

A.—Yes.

Q.—Similarly, in other provinces too ?

A.—Yes. We have kept our heads better than our friends in the United Provinces in the matter of these riots.

Q.—Generally speaking, is it not a fact that in educational advancement, in social reform and in the awakening of political consciousness, Punjab is ahead of many other provinces ?

A.—I should think so. That is certainly my opinion.

Q.—Now, let us turn to the oft-debated question of communal electorates. I suppose you, as a member of the Muslim League, want responsible government for India ?

A.—Certainly.

Q.—Does the League want merely a responsible government or does it insist that that government must be a representative government also ?

A.—Responsible and representative government.

Q.—You will agree with me that territorial electorates are only one form of securing a representative government ?

A.—Yes ; in the case of homogeneous communities.

Q.—In the case of a country inhabited by a number of communities such as India is, would territorial electorates alone secure representative government ?

A.—No. Other forms of representation must be devised to achieve that end.

Q.—Do you think that communal electorates are essential to a country in which political conditions, such as exist in India, prevail ?

A.—In the present condition of things they are the best solution of the problem.

Q.—Countries like Australia, South Africa and England, where territorial electorates prevail, are cases of homogeneous communities ?

A.—Yes.

Q.—Just for one moment consider the case of Ireland. Ireland in extent is smaller than most of our Provinces here ?

A.—Yes.

Q.—And yet the British Government have been obliged to split that small country into two and establish a government in the north and a government in the south. What is the main reason for this ?

A.—Because Ulster wanted its separate existence safeguarded.

Q.—Because the conditions of Ireland are in some respect analogous to those obtaining in India and have necessitated the creation of two Parliaments, a Northern Parliament with Protestants in the majority, and a Southern Parliament with Catholics in the majority ?

A.—Quite so.

Q.—Do you remember the elections in the Punjab in 1909, for the first Minto-Morley Reformed Council ?

A.—Yes.

Q.—Before the introduction of the Minto-Morley Reforms there were only three Indian Members on the Punjab Legislative Council nominated by Government ?

A.—Three nominated members.

Q.—The elective element was introduced in the Punjab for the first time in 1909 ?

A.—Yes.

Q.—And you remember the Province of the Punjab was divided into three municipal electoral groups, Eastern, Central and Western ?

A.—Quite so.

Q.—Is it not a fact that originally a number of Hindu and Muhammadan candidates were nominated in each one of these groups ?

A.—Of course it is understood that there were no communal electorates then ; we had mixed electorates.

Q.—It was a case of election through mixed electorates ?

A.—Common electorates.

Q.—Is it not a fact that, to begin with, a number of Hindu and Muhammadan candidates were nominated to each constituency ?

A.—A large number in each constituency, Hindu and Muhammadan candidates.

Q.—Afterwards the contests in the three constituencies were confined to one Hindu and one Muhammadan candidate, all the other candidates withdrawing in favour of the two ?

A.—Ultimately it became a contest between one Hindu and one Muhammadan in each constituency, the rest retiring.

Q.—In the Western electoral group Rai Bahadur Hari Chand and Khan Bahadur Seth Adamji Moonji were the only two candidates in the field. In the Central group Rai Bahadur Ram Saran Das and Khan Bahadur Khwaja Yusuf Shah were the only two candidates ; and in the Eastern group Khwaja Yusuf Shah and Rai Bahadur (I forget his name for the moment) were the only two candidates ?

A.—Yes.

Q.—Is it or is not a fact that Mr. Harkishen Lal, as leader of the progressive Hindu party and the Punjab Hindu Sabha and all other Hindu organisations in the Punjab, helped the Hindu candidate in each one of these three constituencies ?

A.—They all worked to support the Hindu candidates.

Q.—Similarly all the Muslim organisations helped the Muhammadan candidates in the three constituencies ?

A.—That is true.

Q.—And the contest thus was no longer a contest between the candidates, but between two communities ?

A.—Yes.

Q.—That is the inevitable result in the existing condition of a mixed electorate ?

A.—Quite so and that led to a good deal of embitterment

Q.—And therefore they furnish a periodical recurring cause of friction ?

A.—I consider them a fruitful source of discord and disunion.

Q.—On the other hand communal electorates result in contests between Muhammadan and Muhammadan and Hindu and Hindu and the communal factor does not come in ?

A.—All factors are eliminated which cause these communal outbreaks.

Q.—Barring the matters of appointments and admissions to colleges, there is no other ground of difference between the communities ?

A.—I believe some Muhammadans who were returned on a separate ticket were some of the strongest Nationalists. I remember when Mr. Jinnah and Mr. Mazarul Haq and the Raja of Mahmudabad were returned on a separate ticket, and they were stalwart Nationalists of the day.

Q.—Let us turn to the actual conditions in the Punjab Council since the introduction of the Montagu-Chelmsford Reforms. The Montagu-Chelmsford Reforms for the first time introduced communal representation in the Punjab ?

A.—Quite so.

Q.—Now in the Punjab Council during the last four years, with the exception of resolutions and questions bearing on appointments or admission of students to colleges, is it not a fact that in regard to all other matters there has been promiscuous voting, and not voting on a communal basis ?

A.—There has not been any voting on communal lines. As a matter of fact the Ministers are supported by Hindu and Sikh colleagues. You have not a Hindu and a Muhammadan party there now.

(Mr. Chairman).—Q.—Where ?

A.—In our Council.

Q.—In your Budget debates in connection with the demands for grants, do you remember any instances in which there was voting on communal lines in the Punjab Council ?

A.—No.

Q.—You know the Punjab Legislative Council appointed a Retrenchment Committee in order to propose reductions of expenditure, and there were various resolutions moved and proposals put forward in connection with the recommendations of the Retrenchment Committee. Was there any voting on communal lines in connection with this ?

A.—No, on the contrary Mr. Muhammad Hussain and my friend Mr. Ganpat Rai worked together like anything.

Q.—In connection with the Village Panchayat Act, the District Boards Amendment Act, and the Municipal Amendment Act, measures which have been passed in the Punjab Legislative Council during the last four years, did the voting go on communal lines ?

A.—No, never.

Q.—Can you tell the Committee something about the relations between the first two Ministers under the Reforms Scheme, I mean Lala Harkishen Lal and Mr. Fazl-i-Hussain ?

A.—They were believed to be as cordial as any relations could be.

Q.—What was the general belief in the Punjab in political circles, whether they were working together or working on different lines ?

A.—As a matter of fact some members of the Hindu Sabha criticised Mr. Harkishen Lal as an ally of Mr. Fazl-i-Hussain.

Q.—Is it not a fact that Lala Harkishen Lal and Mr. Fazl-i- Hussain belonged to the same political party in Lahore ?

A.—They were both Congressmen, so much so that at the Provincial Conference held under the auspices of the Provincial Congress Committee, Mr. Fazl-i-Hussain was President of the Conference and Lala Harkishen Lal was Chairman of the Reception Committee. They were the two leading Congressmen of the Province.

Q.—Do you remember any occasion during the three years after the two were appointed Ministers on which Mr. Harkishen Lal ever expressed any difference of opinion with regard to Mr. Fazl-i-Hussain's policy ?

A.—Only recently, I do not remember the occasion, whether it was an interview with the Associated Press or with the *Tribune*, the public were told that Lala Harkishen Lal had objected to Mr. Fazl-i-Hussain's views.

(*Mr. Chairman*).—*Q.*—It was the first information to the public ?

A.—This was the first intimation to the public.

Q.—Is it not a fact that after the controversy in connection with the admission of students into colleges was started several times some of the Hindu papers criticised Lala Harkishen Lal for supporting Mr. Fazl-i-Hussain so much ?

A.—Quite so.

(*Mr. Jinnah*).—*Q.*—Have you got any authority for saying that he supported Mr. Fazl-i-Hussain in his policy and programme ?

A.—The fact that he did not resign. They were carrying on very well. I cannot conceive of a Minister who is diametrically opposed to the political views of his colleague carrying on so long.

(*Mr. Jinnah*).—*Q.*—That you infer because he did not resign ?

A.—Yes that is one factor, and because he supported Mr. Fazl-i-Hussain's legislation and policy in the Council ; he never opposed it.

(*Dr. Paranjpye*).—*Q.*—Did he speak in favour of it ?

A.—He always voted for it ; he may not have considered it necessary to make a speech.

Q.—Do you remember the Congress-League Pact of 1916 ?

A.—I was a party to that ; I was a member of that Committee.

Q.—What is the main objection put forward by the Muslim community at present against that Pact ?

A.—So far as the Punjab is concerned, it is felt that the 50 per cent. of elected strength which was conceded to the Mussalmans in that Pact has not been given to the Punjab Muhammadans.

Q.—Will you tell us what is the number of Muhammadan elected members in the Council and what is the number of non-Muhammadan elected members in the Council ? I am confining myself to elected members only.

A.—Out of 71 elected members, 32 Mussalmans are returned on general electorates, 20 Hindus and 12 Sikhs. Then there is one Landlord Muslim special electorate, one Hindu Landlord and one Sikh Landlord. Then we have a special constituency of the Baluch zemindars, which is also Muhammadan, that returns one. This brings up the elected strength of the Muhammadans to 34 out of 71. And I have already stated that there are 20 Hindus returned by means of general electorates, one Hindu Landholder and one Industry seat and one University seat ; that brings the number to 23 Hindu members.

(*Mr. Chairman*).—*Q.*—The Industry and the University seats are not confined to Hindus ?

A.—They are mixed and common electorates. So that we have 23 Hindus ; then we have 1 Sikh landholder, making the Sikh number 13. So that Hindus and Sikhs combined make 36, and there is one other seat that brings it to 37.

Q.—That is, although the Mussalman community represent 55 per cent. of the Punjab it has as a matter of fact less than 50 per cent. representation in the elected seats of the Punjab Legislature ?

A.—That is the grievance of the Muhammandan community of the Punjab.

(*Mr. Jinnah*).—*Q.*—But, Mr. Barkat Ali, that is not the fault of the Hindus ?

A.—Yes, it is in a way. Anyhow, whether it is the fault of the Hindus or of the Government, that is the grievance which has got to be rectified.

(*Mr. Jinnah*).—*Q.*—Quite so, but it is the fault of the constitution.

(*Mr. Chairman*).—*Q.*—Not of the constitution but of the rules.

A.—Of the rules of course ; and I might also make it clear that the University seat may be taken as always earmarked for a Hindu : in view of the very large number of Hindu voters it is unthinkable that any Muhammadan will ever be returned.

Q.—And what is your second objection ?

A.—Since the Congress-League Pact came into operation the feeling has grown up that under the operation of that Pact the Muhammadan majority in the provinces, where the Muhammadans were in a majority, has been reduced to a minority, and the Hindu majority in provinces where the Hindus were in a majority has continued to be a majority, so that if we are to remain in a minority in those provinces where we are in a minority then the Muhammadan majority in those provinces where the Muhammadans are in a majority must continue a majority.

Q.—What is the solution that you would suggest ?

A.—I would refer to the Resolution passed in the League which has my fullest support, that in no instance should a community having majority be reduced to a position of minority or even equality. That is the formula which the League has enunciated in its deliberations.

Q.—There was I believe in the Congress-League Pact a condition.....

A.—Yes, it is reproduced in clause (*e*) of paragraph 4 of my memorandum, *i.e.*, "No bill or resolution or any part thereof affecting any community, etc., etc."

Q.—And His Majesty's Government in accepting the Congress-League Pact in the final settlement of this communal representation ignored this most important condition which formed part of the Congress-League Pact ?

A.—They did not actually ignore it ; they considered it and rejected it as it amounts to giving a veto to every community.

Q.—But as a matter of fact the Congress-League Pact was the result of mutual agreement between the two people and this condition was an essential condition of their pact ?

A.—No doubt about that—an essential condition in that Pact agreed to by both communities.

Q.—And was it then right and just that while the Pact was accepted the condition which was essential to it was itself ignored or rejected ?

A.—It should not have been rejected. Some safeguard on these lines should have been incorporated in the constitution.

Q.—One more question. Is the province of Sind in any manner connected with the remaining portion of the Bombay Presidency— ethnologically or otherwise ?

A.—No.

Q.—It is really an entirely separate tract inhabited by people speaking an entirely different language and coming from an entirely different stock ?

A.—Quite so.

Q.—Are you in favour of the creation of Sind into a separate province ?

A.—Yes, it should be a separate administration.

Sir Arthur Froom.—*Q.*—I understand from what you told Sir Muhammad Shafi that you are strongly in favour of communal representation continuing in your province ?

A.—In the present condition of things.

Q.—And therefore you are not in agreement with the view on that matter of an *ex*-Minister of your Province whose evidence you have probably seen ?

A.—My own view is that it does not represent the better mind of the Hindu community. The better mind has accepted communal electorates even in our Province. There is one section of the Hindu community— the Hindu Sabha ; he might represent their views but they were opposed to communal representation even before the Congress-League Pact and they have continued their opposition after that Pact. But no responsible Hindus in my Province, *e.g.*, the Swarajist Committee, are opposed to communal electorates.

Q.—Then responsible Hindus in your province are in favour of communal representation ?

A.—That is my belief.

Q.—Then Mr. Harkishen Lal must be a brilliant exception to the responsible members of the community ?

A.—Not a brilliant exception.

Q.—Well, a great exception. You would describe him as a responsible Hindu ?

A.—Those who are opposing communal electorates are known in my province as die-hards. You might catalogue him with the die-hards.

Q.—Then I think you told Sir Muhammad Shafi that such tension as existed in the Punjab between Muhammadans and Hindus existed in the bigger towns ?

A.—Quite so.

Q.—And that the agriculturists got on very well together—Hindus and Muhammadans ?

A.—Quite so.

Q.—And in the bigger towns may the Committee assume that it exists between the more educated classes ?

A.—It exists between those sections which are very keen on obtaining the loaves and fishes for their respective communities. In those sections alone.

Q.—Presuming that provincial autonomy was granted to the Punjab, don't you think that these dissensions between the Muhammadans and the Hindus might be aggravated ?

A.—I don't think so. I think every community will do its best to pull together with the others.

Q.—I don't say it will go on for all time. I am taking conditions as they exist at present in the Punjab and for the next few years.

A.—Perhaps conditions might improve.

Q.—You don't think they will be aggravated ?

A.—No.

Q.—You don't think there will be to a certain extent a competition for power between the two communities—the educated part of the two communities—if there were places of power going ?

A.—The collaboration of the Ministers in combination with the legislatures would filter down the good sentiment.

Q.—You say the collaboration of the Ministers ?

A.—Certainly.

Q.—But there was not any collaboration between the Ministers in previous Councils.

A.—We took it that there was very happy collaboration.

Q.—We were told there was no collaboration at all by one who had been a Minister himself. He was very friendly with his fellow Minister but there was no collaboration.

A.—But if the two Ministers were not happy, why did not the disagreeing Minister resign but remained attached for so long ?

Q.—That is just what we could not understand. They were quite happy but they did not collaborate when they were doing their work. We were told so by one of the Ministers. So there is a certain tension in that way ?

A.—I do not think that the tension between Ministers counts for very much. It might be mere differences of opinion, but I don't think there was any tension between Fazl-i-Hussain and Harkishen Lal.

Q.—I did not quite understand the allusion, both in Sir Muhammad Shafi's question and your replies to him, to Ireland. You agreed with Sir Muhammad that when England took Ireland seriously in hand she found she had to give Ireland two Governments.

(*Sir Mohammad Shafi*).—*Q.—Perhaps you would like me to* explain my question again. My question was that the British Government had to divide Ireland, were compelled to divide Ireland into a northern section and a southern section and to give the two sections two separate Parliaments, because otherwise the Protestants, who were not all Irishmen but some of them had come over from Great Britain, and the Catholics could not have pulled together if there had been one common Parliament. Therefore bearing those communal considerations in mind they thought the best scheme would be, in order to give the two communities their proper and just rights, to divide Ireland into two portions, one in which the Protestants were in a majority, the other in which the Catholics in a majority, and to split up Ireland into two. The main considerations were communal considerations. Sir Arthur Froom, you agree with that ?

A.—The position is this, that a drastic remedy like this had to be resorted to by the British Government in order to satisfy Ulster.

Q.—Would you have one Parliament in the Punjab for Muhammadans and another for Hindus ?

A.—That does not apply.

Q.—At the beginning of your memorandum—1A—you say that the dyarchy, as a tentative measure to suit the requirements of a transitional period, has served its purpose. You think it has served its purpose ?

A.—I think it has.

Q.—Can't it go on serving its purpose for a little longer ? The 10 years provided for by the Act is not a long time ?

A.—We have been asking for self-government for many years past.

Q.—I quite agree with the view that 10 years is a long time in your life and perhaps a longer time in my life, because I am an older man than you are, but I do not accept the view that 10 years in the history of a great country like India is a long time

A.—When you consider this fact that for the last 30 or 40 years we have been making this demand, it is.

Q.—You are going on ; you have made a considerable advance under this Government of India Act.

A.—Not exactly ; the substance of power was kept back in the shape of reserved subjects.

Q.—You don't think you are in too much of a hurry, I mean to say, you concede that dyarchy has served its purpose, as you say, for 3 or 4 years.

A.—When I say that, I mean dyarchy has established three things. It has established that Indian Ministers are forthcoming who can hold departments and portfolios and administer them with success. It has established that Indian members of legislatures possessing the necessary acumen, experience and parliamentary training will be forthcoming and available. It has also established that the Indian electorate is a very good and intelligent electorate, able to return proper candidates.

Q.—Would you like the Committee to understand that the electorate of the Punjab, numbering something like 6,27,000,—that one and all of them understand the meaning of dyarchy ?

A.—That is an impossible position. You cannot expect all the electors to understand dyarchy, but they know one thing, and that is, how to return the best man who would look after their position.

(*Mr. Chairman*).—*Q.*—Did they do so ?

A.—According to their lights they have returned some very good men. Our first experience on account of non-co-operation was not very happy. But they have returned very good men now.

Q.—You consider that all the Members of the Punjab Provincial Legislative Council understand dyarchy fully ?

A.—They may not understand it in all its implications but the principle of division of Government they understand.

Q.—They know the word anyhow ?

A.—Certainly they know the word. They call it *do-amli* in the vernacular—the rule of two—double government.

Q.—On page 2 of your memorandum, you have first of all described the Government of India as an irresponsible Government.

A.—Constitutionally. I mean it is not responsible to the Legislature.

Q.—You say it is irresponsible ?

A.—In the constitutional sense—not responsible to the Assembly.

Q.—I take it that there has been a certain amount of responsibility to the Assembly.

A.—I think there is none unless it be that the Budget is submitted to the vote of the Assembly. But it is not binding.

Q.—I will put it to you in this way. Government frequently have accepted the views of the Assembly on many questions.

A.—That is something quite different from responsible government.

Q.—I know they are not legally responsible, but they have tried to placate the Assembly, and accepted many Resolutions even though the Resolutions of the Assembly were not pleasing to Government. In order to make the reforms a success Government have accepted the Assembly's recommendations.

A.—Even before these reforms in the Imperial Council several Resolutions were accepted.

Q.—I only wanted to know what you meant by wholly irresponsible. You meant under the Act ?

A.—The mere acceptance of certain recommendations of the Legislature does not make that Government responsible. It still retains its irresponsible character.

Q.—You suggest that the defence of India should remain as a reserved subject ?

A.—Only to appease British sentiment,—out of regard for the susceptibilities of the Government—not that the Indian people are not prepared to shoulder the burden of the defence of their country, but because the Government in its present mood.....

Q.—Out of regard to British sentiment ?

A.—Yes.

Q.—Not out of regard to the safety of your frontier ?

A.—It is only to satisfy British feeling. They won't agree to it.

Q.—You think the Punjab will be kept safe by British sentiment ?

A.—Well, we Punjabis can look after our defence very well.

Q.—I can perhaps understand Madras making that statement. I cannot understand Punjab saying so.

A.—Punjab is the recruiting ground. We supply combatants to you.

Q.—I am quite willing to admit that. I am talking of the administration of the Army. You do not suggest that the Central Government should give up any part of the vote on Army supplies ? It is non-votable item at present.

A.—What I mean is that it need not be submitted to the vote of the Assembly. I accept it.

Maharaja of Burdwan.—*Q.*—What is the reason that from your University seat you are unable to return a Muhammadan candidate ?

A.—Well, let the truth be plainly told. The Hindu votes for the Hindu and the Mussalman votes for the Mussalman.

Q.—Is that the only reason ? Or is the other factor also, which is undoubtedly present in the other provinces, partly responsible, namely, that from the educational qualification point of view, you get a better candidate from the Hindus ?

A.—Our experience in the Punjab tells us that in spite of the fact that the most competent Muhammadans were forthcoming—some might be sitting perhaps at this very table—the University constituency would not agree to return them because they were Muhammadans.

(*Sir Sivaswamy Aiyar*).—*Q.*—There os one Muhammadan representative of the University now ?

A.—No.

(*Sir Sivaswamy Aiyar*).—*Q.*—Before the reforms ?

A.—Before the reforms Mr. Fazl-i-Hussain got himself returned. Then the franchise was confined only to Fellows.

(*Sir Sivaswamy Aiyar*).—*Q.*—You are talking of the pre-reform period ?

A.—Yes.

(*Sir Sivaswamy Aiyar*).—*Q.*—What I want to know is whether there is any Muhammadan representative now.

A.—None.

Q.—Can you give me any instance in which the University returned a Hindu who was in any sense less qualified than the Muhammadan candidate put forward ?

A.—The only reason is that the candidates themselves and their supporters would naturally appeal to the elector and say, " Look here, I am a brother Hindu, you must give your vote to me."

Q.—What I ask is whether in any of the elections for the University seat, a Hindu candidate was returned who was less qualified than the Muhammadan candidate.

A.—We have had only two instances of the return of a University candidate for the Council under the reforms and.....

(*Dr. Paranjpye*).—*Q.*—Who were the opposing candidates ?

A.—Once it was Mr. Manohar Lal but with no Muhammadan candidate to oppose him and this time it was Lala Ruchi Ram opposed by Dr. Khalifa Shuja-ud-Din.

(*Mr. Chairman*).—*Q.*—The point of the Maharaja of Burdwan's question was this. Was the Hindu returned because he was a better candidate or was it because he was a Hindu ?

A.—He was returned because he was a Hindu, and not because he was a better candidate. I have already said that.

Q.—That being the view held by yourself and others, do you think that in the case of a mixed electorate like the University seat and the Industries seat, the present friction and ill-feeling could be avoided if it was made a rule that from this mixed electorate a Hindu should be returned for one term and a Muhammadan for the next term ?

A.—That is a very good idea.

Q.—That is very often mooted. Suppose that that was put into practice, do you think that a good deal of friction will be avoided ? You have said that out of 71 seats, Muhammadans have got 34. It strikes me that this friction between Hindus and Muhammadans regarding one or two seats could easily be avoided if some such arrangement as I have suggested is made.

A.—I agree with your proposal.

Q.—Do you think that if this was done, a good deal of the present friction would disappear ?

A.—Quite.

Q.—And communal representation, as it now exists in the Punjab, would give a fair proportion to both Muhammadans and Hindus ?

A.—Quite so, I agree to that.

Q.—In the memorandum submitted by the Punjab Provincial Muslim League it is mentioned that " all provincial subjects including Law, Police, Land-Revenue, etc., should be placed in the hands of Ministers reponsible to the Legislature." I understand that in your province the majority of what are called Zamindars or landholders are Muhammadans.

A.—Yes, a majority.

Q.—And you think your Muhammadan landholders or whatever they are called in your province would not object to land-revenue being a transferred subject ?

A.—They would not object. They would welcome it.

Q.—They would not think that under the system of land-revenue which prevails in the Punjab they would suffer if it became a transferred subject ?

A.—They would welcome the transfer.

(*Mr. Chairman*).—*Q.*—Does not Zemindar in the Punjab mean cultivator ?

A.—No. The cultivator is one who actually tills the soil—the tenant. He may not own the soil. In very small holdings the owners are themselves cultivators.

Mr. Jinnah.—*Q.*—You know that the Joint Select Committee accepted the recommendations of the Lucknow Pact ?

A.—Yes.

Q.—You know that ?

A.—Not in their entirety ; I believe in the matter of the proportion of representation to be allowed to the Muslim community and others.

Q.—This is what they say. " The recommendations of the Franchise Committee in respect of the proportionate representation of Muhammadans based on the Lucknow Pact may be accepted." These proportions fixed in the Lucknow Pact for the representation of Muhammadans and Non-Muhammadans were accepted. The Franchise Committee did not alter the percentage which was agreed upon by the Lucknow Pact.

A.—I believe it must have been accepted but I do not know how it has come about that in the Punjab that percentage has not been observed.

Q.—I will come to that. Are you aware that the Franchise Committee in their report did not disturb the percentage agreed upon by the Lucknow Pact ?

A.—Quite so, they did not.

Q.—You say that when it came to be worked out in detail by rules, you found that the Muhammadans did not get even 50 per cent. ?

A.—Quite. 34 out of 71.

Q.—It comes to 45 per cent. ?

A.—Yes.

(*Sir Sivaswamy Aiyar*).—*Q.*—It is only a question of two seats.

A.—That is quite so but it cuts both ways.

Q.—There is no question of one or two seats. I agree with you. Would you be satisfied if the Lucknow Pact was carried out strictly ?

A.—There is now a general feeling among my community all over that the communities who are in the majority must in no case be reduced to equality or a minority. That is the position at present, and it is a very reasonable position, I believe.

Q.—Punjab will accept this if under that formula you get 51 per cent. ?

A.—We would accept it.

Q.—If you get 51 per cent. you will accept it ?

A.—I think my people will accept it.

Q.—Because then you would not be in a position of equality but in the majority ?

A.—Yes.

Q.—Now, when the League passed the resolution to which reference was made, the League also appointed a committee ?

A.—Quite.

Q.—The League empowered the committee to confer with committees that may be appointed by other political organisations with a view to arrive at some adjustment ?

A.—Yes.

Q.—That committee, I suppose, is likely to meet very soon ?

A.—Yes.

Q.—This was passed only last May ?

A.—Yes.

Q.—You have said that the electorates are intelligent and all that. I only want to ask you this in connection with that. Do you think it is not possible to form parties on lines other than communal in the Legislative Councils ?

A.—It is possible to form parties which are based on other than communal lines, and we have got them at present in my province.

Q.—Is there any great difficulty in a party being formed on lines of a particular policy or a particular programme ?

A.—No.

Q.—You say that can be done ?

A.—Yes.

Q.—And is that on which you have been working in your Council ?

A.—Yes. The opposition to the late Ministry consisted of several Hindus and Muhammadans.

Q.—The opposition to the Ministers was the opposition of both Hindus and Muhammadans combined ?

A.—Opposition of both combined.

Q.—And the supporters of the Ministers were both Hindus and Muhammadans combined ?

A.—Yes, and Sikhs and even Christians.

Q.—The parties were formed on definite issues which came before the Council ?

A.—Political issues.

Q.—There is one more question that I wish to ask you. Besides this section which is very much interested in securing the loaves and fishes of office—besides that section and besides that dispute which of course sometimes goes deeper, what is your opinion generally of the Punjab ? Do you think that there is more and more collaboration in matters political between the Hindus and Muhammadans—more and more collaboration ?

A.—More that in the past. These are temporary phases. There may be acute bitterness at the present moment, but it is a temporary phase.

A.—Do I understand you correctly that if there was responsible Government in the Provinces you would be able to handle those who are fighting for loaves and fishes much better ?

A.—Yes, sitting at a common table, the Ministers will settle it themselves as responsible people.

Q.—I think it was Sir Arthur Froom that asked you a question about the defence of the country. He asked, " Why do you want to leave that out of the control and responsibility of the Legislature ? " Your answer was that it was for the sake of the British ?

A.—Out of deference for the susceptibilities of the English people.

Q.—Is that quite correct ?

A.—Absolutely.

Q.—This is an important matter and I want you to follow me. You say that India is ready to take up the defence of the country ?

A.—That is my belief.

Q.—At once ?

A.—Certainly at once.

Q.—You say that you can produce the Commander-in-Chief, the generals, the colonels and the various other officers that are now in charge of the British army here ?

A.—Of course, one should want some period of training. Once there is an opening in that direction and the necessary training given—I postulate that.

Q.—You do admit that what is essential is that there should be an opening and the necessary training ?

A.—Quite.

Q.—And necessary experience should be acquired ?

A.—Yes.

Q.—I want you to follow me. In the first instance the people of this country were deprived of all arms ?

A.—Yes.

Q.—Has not that emasculated and demoralised the people ?

A.—Bound to.

(*Mr. Chairman*).—*Q.*—Even in the Punjab ?

A.—Yes.

Q.—The Punjab would be a wonderful exception if it was not demoralised because they were deprived of arms ?

A.—Quite so.

Q.—You are only human beings I suppose in the Punjab ?

A.—All over.

Q.—You know that the people of India were not thought fit to hold the King's commission in the army until very recently ?

A.—Yes.

Q.—After the war ?

A.—Yes.

Q.—And do you know that the people of India are not allowed an insight into the artillery, or the air force, and not admitted to the Woolwich ?

A.—Yes.

Q.—Do you agree that so far as the army is concerned the training and experience which is necessary to take up the defence of the country has been denied to the people of India up to the present moment ?

A.—Yes.

Q.—And is it fair to suggest " Why do you wish to exclude the army for the present ? " in a sarcastic manner ?

A.—No.

Q.—I suppose you want to exclude the army because you want some period within which you ought to have a proper and honest opening in the military defence of your country ?

A.—Partly for that reason and also for the fact that the English people would not hand over complete charge of the army policy to India so long as they are the working Government in this country. So long as they are the Government in this country one can understand their susceptibilities to keep the army in their own hands.....

Q.—But do you expect the British people to give you responsible government and then whenever you want them to defend you they should come forward to get their heads broken ?

A.—Of course, this is until the grant of responsible government. When responsible government comes in, that will not follow.

Q.—It comes to this that you must have sufficient opportunities given to you to receive the requisite training to take up all the defences of your country ?

A.—Quite so.

Q.—I want to know from you this. If a fair and honest opportunity was given to the people of India do you think you would be able to take up the defence of your country within 8 or 10 years ?

A.—Certainly.

(*Mr. Chairman*).—*Q.*—8 or 10 years ?

A.—Oh, yes. Certainly.

Q.—You were asked this question, " Is not 10 years a very short period for the trial of a new constitution " ?

A.—Yes.

Q.—Does not that depend on how rotten the constitution is whether it should be 10 years' experience, or whether it should be a few years' experience, or a few months' ?

A.—I do not quite follow you.

Q.—Supposing I give you a knife and the very first time you use it the edge of the knife is broken and still I ask you to go on cutting something.....

A.—That is impossible of course.

Q.—Supposing I had told you, " I won't give you another knife for six years," and I ask you to go on using it for that period, can you use that knife without the edge ?

A.—No, I cannot.

Q.—And I ask you to sharpen it. Would you sharpen it if the edge had gone completely ?

A.—It is quite useless.

Q.—The Ministers were nominated by the Governor ?

A.—Yes.

Q.—And the Governor is not a constitutional Governor ?

A.—I take it that that is the position which has been assigned to him under the reforms—that he should be in the position of a constitutional monarch guided by the advice of his Ministers so long as they enjoy the confidence of the House which is elected by the people.

Q.—Therefore he is not a constitutional Governor ?

A.—If he is not he had better be. The present Act, of course, does not introduce any obstacles in the way of that ideal.

Q.—I want to know this. You said that dyarchy must go ?

A.—Yes.

Q.—And you said that that is the general desire of the country ?

A.—Yes.

Q.—I suppose you include in that that the Muhammadans are also of the same opinion ?

A.—The Muhammadans have passed this resolution for complete provincial autonomy. That is certainly the desire of the Moslems.

Q.—I take it that so far as the Punjab is concerned both the Hindus and Muhammadans want the same advance ?

A.—Yes.

Q.—You want provincial autonomy, you want complete responsibility in regard to all departments in the Central Government.....

A.—With the exception of those specified.....

Q.—Civil administration—let me put it at that ?

A.—Yes.

Q.—And you want to do away with the Council of the Secretary of State ?

A.—Of course.

Q.—And what will you substitute in place of the Council of the Secretary of State ? You say it is an anachronism. You say that the Secretary of State for India should have the same powers as the Secretary of State for the Colonies. That is what you say ?

A.—Quite so.

Q.—In order to secure this advance you know that an amendment of the constitution is necessary ?

A.—Absolutely.

Q.—There is one other question I want to ask you. Sir Arthur Froom asked you this question, " Do you mean to say that the Government of India is not responsible ? " So far as the Central Government is concerned, is it not correct that the Legislature has no control and no responsibility ?

A.—Quite.

Q.—The Legislature is at the stage of influencing the Government ?

A.—Yes. Mere influence. They say so in the Report.

Q.—And that is what you mean when you say that the Government of India is irresponsible ?

A.—Quite so.

Sir Henry Moncrieff Smith.—*Q.*—We have been told in this Committee that in the Punjab Council there was something in the nature of a coalition between the official bloc and the Muhammadan bloc and that they combined and were able to get measures through the Council. Is that in your opinion a correct statement of what happened ?

A.—That is not a correct statement.

Q.—It is not true ?

A.—No.

Q.—That the Hindus were pushed into the position of a minority in opposition ?

A.—No. That is not true.

Q.—If it happened you would consider it to be a very bad thing ?

A.—If this thing were entirely communal it would be bad, but it is not so. I have stated that the opposition to the popular Minister, Mr. Fazl-i-Hussain, was in the hands of no other than Mr. Shah Nawaz who was a very prominent member of our Provincial Council. He constituted and still constitutes the opposition to the Muhammadan Minister.

(*Sir Mohammad Shafi*).—*Q.*—Do you think that Mr. Harkishan Lal would have continued to remain in the Government if there had been combination between the Europeans and the Muhammadans as against the Hindus ?

A.—Not a minute.

Q.—He has himself said so ?

A.—It is not a correct presentation of facts to say that the Muhammadans and the officials have collaborated to defeat Hindus in the provincial council.

Q.—Now, your League objects strongly to the appointment of Council Secretaries and says it is not only undesirable but pernicious. Were Council Secretaries appointed in the Punjab ?

A.—I am afraid you would not find that in the Memorandum of the League.

Q.—It is in your own private Memorandum ?

A.—Yes.

Q.—I think the League said that there should be no Council Secretaries ?

A.—Not ; it was in my personal Memorandum.

Q.—I will deal with your personal Memorandum. Were Council Secretaries appointed in the Punjab ?

A.—Yes.

Q.—Will you tell the Committee what functions were assigned to Council Secretaries ?

A.—They were largely the whip of the Ministers ?

Q.—What were the duties of the whip ?

A.—If that does not explain, I will still further explain. They were going round to members and securing support for the Ministers, trying to popularise ministerial policy and so forth.

Q.—The Government of India Act, under which they are appointed, says that they shall discharge such duties in assisting members of the executive council and Ministers as the Governor may assign. Was that the Governor's conception of the duties referred to in those words—assisting members ? Does that mean getting votes for them ?

A.—No, as a matter of fact I said Council Secretaries were popularising ministerial policies or explaining ministerial policies and of course securing support. There is nothing objectionable in that.

Q.—Did the Council Secretaries speak in the House on behalf of Ministers or instead of Ministers ?

A.—I believe their work was more or less of secondary nature, not so prominent. We want Council Secretaries, on the lines of Parliamentary Under Secretaries, to take part in the discussion and explain ministerial policy

Q.—Is there anything in the Government of India Act, in the constitution, that prevents Council Secretaries being of the nature of Parliamentary Under Secretaries ?

A.—Yes, because the permanent officials take their place. There is a certain fixed percentage of officials.

Q.—Officials are not obliged to take their place ?

A.—They are required to be nominated.

Q.—My point is this. There is nothing in the Government of India Act which prevents a Council Secretary from being appointed and from performing the functions more or less of a Parliamentary Under Secretary ?

A.—Quite so ; there is nothing in the Act.

Q.—When you say that the appointment of Council Secretaries was pernicious you really mean the way in which Council Secretaries were used ?

A.—Yes.

Q.—That is a mere matter of putting the Act into operation ?

A.—Yes.

Q.—You say that the Ministers ought to be aided not by permanent officials but by Council Secretaries or Parliamentary Under Secretaries—by whatever name you may call them. Do you mean they should be aided in the Council itself ? You are talking of assistance in the Council ?

A.—Yes.

Q.—You would not suggest that the Ministers outside the Council should not have the advice and assistance of the permanent Secretaries ?

A.—They are bound to have their advice. I mean the association of permanent officials in the Council as members is not desirable.

Q.—You say that Ministers should have complete fiscal freedom and be released from the fetters imposed on their actions by the finance department. What do you mean by that ? There should be no Finance Department ?

A.—No ; there must be a Finance Department.

Q.—What would the functions of the Finance Department be in relation to transferred subjects ?

A.—I believe all schemes proposed by Ministers go to the Finance Department and they are carried out after they are sanctioned by the Finance Department ; as a matter of fact several schemes are thrown out.

Q.—You mean that no scheme proposed in the Transferred Departments should be examined from the financial point of view ?

A.—They should be examined.

Q.—By whom should they be examined ?

A.—The Finance Department, which should be independent of the Minister and not manned by a member of the executive council.

Q.—Will you have one Finance Department on the reserved side and another on the transferred side ?

A.—No. I would certainly have one Finance Department, and if it could be independent of both the reserved and the transferred side, it would be better.

Q.—Do you want to keep the two things independent ?

A.—Independent of both.

Q.—Would not that involve separate purse ?

A.—No. It should be independent of both. That is the proper Finance Department. I take it that the Finance Department, if it is to be really useful, must be independent of both, and must do independent audit and independent scrutiny.

The witness was asked to appear before the Committee at half past ten on Thursday, the 21st August, 1924.

Thursday, the 21st August, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock with Sir Alexander Muddiman in the Chair.

Examination of Mr. Barkat Ali continued.

Mr. Barkat Ali.—Before I am examined I should like to draw the attention of the Committee to a very important clause in the Resolution of the League which seems to have been inadvertently omitted from my Memorandum. I should like to put it after (*b*). That clause runs as follows :—

> " The mode of representation in the Legislature and in all other elected bodies shall guarantee adequate and effective representation to minorities in every province, subject however to the essential proviso that no majority shall be reduced to a minority or even to an equality."

I mentioned this, of course, in my oral examination.

(*Mr. Jinnah*).—*Q.*—You say that you are supported by the Resolution of the All-India Muslim League in that view ?

A.—Yes.

Q.—Will you give us a copy of that clause ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—We have already got it down.

Sir Sivaswamy Aiyer.—*Q.*—Mr. Barkat Ali, you have given us a very pleasant picture of the situation of the Punjab. I was under the impression that it was rather a turbulent province. I suppose my impression is not confirmed ?

A.—No, we are not a turbulent people.

Q.—What do you think of the state of tension between the Hindus and the Muhammadans ?

A.—We have had very good relations. Recently, however, on account of the *shudhi* movement this tension has become a little more acute ; but it will pass off.

Q.—How long is it since the feeling became strained ?

A.—Say, for the last two years.

Q.—It is all subsequent to the Reforms ?

A.—Yes.

Q.—Has this feeling been mitigated or exacerbated during Mr. Fazl-i-Hussain's Ministry ?

A.—One aspect of Mr. Fazl-i-Hussain's policy, namely, the bringing forward of the depressed and backward communities in a line with the other advanced communities of the province, was certainly strongly criticised by those whom it affected, namely, the monopolists. But for that, it has not added to the tension.

Q.—Was it merely a question of bringing up those who are backward or was it a question of denial of opportunities to other communities ?

A.—It was completely a question of bringing up the backward communities in a line with the other communities and not of denying any equal opportunities allowed to others.

(*Maharaja of Burdwan*).—*Q.*—What were the backward communities ?

A.—The Sikhs and the Muhammadans. We have practically three main communities in our province.

(*Maharaja of Burdwan*).—*Q.*—His policy was only the bringing up in a line of the Muhammadans and the Sikhs ?

A.—Yes.

Q.—Has there not been a complaint in regard to the municipal electoral rules and so on ?

A.—Mr. Fazl-i-Hussain laid it down as a formula that representation in the municipalities shall be in proportion to the population figures. This formula has not been accepted by those who had all the representation of the municipalities to themselves.

Q.—Has that principle been uniformly applied ?

A.—Yes.

Q.—We have heard that in Lahore one community has abstained from taking part in the elections. This was also the case in Amballa, Firozepore and other places ?

A.—In Lahore they have abstained on account of the fact that the representation which has been allowed by Mr. Fazl-i-Hussain on the population basis has not been accepted by them.

Q.—Has it not been said that there has been a gerrymandering of constituencies ?

A.—No, because the constituencies are determined by the municipalities themselves. The Minister has nothing to do with the laying out of the constituencies. He has never attempted anything of the kind.

Q.—Have there been any complaints with regard to the system of administration of the grants-in-aid ?

A.—Not so far as I know. There have been some ordinary complaints but no very strong complaints have been made in regard to grants-in-aid.

Q.—Have there been any complaints with regard to the admissions into colleges ?

A.—Yes ; there have been complaints.

Q.—The complaint is that certain communities are deprived of the chances of entering the colleges ?

A.—No, that has not been the complaint. The complaint has been that 40 per cent. and 25 per cent. seats have been reserved for the Muhammadans in the Medical College and the Government College respectively. The Muhammadans could not get adequate admissions into

those institutions before. In fact, the Muhammadans could not get proper admission into these institutions in the absence of this reservation principle.

Q.—You were unable to get admission before ?

A.—We were not allowed to get admission.

Q.—Do you mean to say that the authorities were anti-Muhammadan ?

A.—It does not necessarily follow from that. But it is a fact that the Muhammadans were not allowed adequate admission into those institutions.

Q.—As a matter of fact, are not all these seats reserved and kept vacant even if there are no Muhammadan students ?

A.—There is no question of the seats remaining vacant because the number of students seeking admission is far in excess of the supply.

Q.—Are the students who are admitted men of equal qualifications as compared to the students of other communities ?

A.—The Hindus and the Muhammadans who have been admitted under the reservation principle are men more or less of the same calibre. There might be a difference at the most of 15 marks between the last admitted Muhammadan and the last admitted Hindu as judged by the results of the University Examination.

Q.—If there was no question of reservation of seats at all, would there have been any difficulty in the way of the Muhammadans getting admission into these institutions ?

A.—I have already submitted that the Muhammadans never got proper admission in the Government College or in the Medical College before Mr. Fazl-i-Hussain laid down this formula. I believe this formula has been operation in Bengal for the last several years. It is also in vogue in other provinces.

Q.—Anyhow, owing to these three or four things there has been a tension between the two communities ?

A.—I must say that the differences have become acute. There is no doubt about it. As a matter of fact, even before that the Muhammadans keenly felt the disability of not being able to gain admission into these institutions.

(*Mr. Jinnah*).—*Q.*—Now the Hindus feel that the Muhammadans are getting in, although they are getting in rightly ?

A.—Yes, they feel it.

Q.—Do you think the Muhammadans get in on account of their merits ?

A.—Yes.

Q.—We have been hearing that if it was a question of mere merits there would have been no difficulties at all in the way of Muhammadans getting in ?

A.—The problem of my province is that notwithstanding the Muhammadans possessing the requisite merit and the requisite efficiency, they were not allowed those opportunities in the educational institutions and in State service.

Q.—These measures which have been taken they must contribute according to you to harmonious relations ?

A.—Undoubtedly, and I may also state that Mr. C. R. Das and Pandit Motilal Nehru came to help us in these matters, and Mr. Fazl-i-

Hussain's policy was explained to them and they accepted it, and they said "We are not going to allow it to form the subject matter of any discussion in our presence".

Q.—If that is the state of things, why do you press for communal electorates? What is your objection to mixed electorates with reserved seats?

A.—My objection to mixed electorates with reserved seats is this, that in view of this feeling which exists, it is a fact that there is a certain amount of dissension and distrust between the two communities, and on account of this dissension and distrust the Muhammadans in the present state of things want communal electorates.

Q.—If seats are reserved in a common electorate, that will secure to the Muhammadans whatever number of seats may be considered desirable and just?

A.—That is not exactly the situation. The Muhammadans not only want number, they also want the requisite standard of candidate, of the person who is returned so that he will be able to look after and properly safeguard Muhammadan interests.

Q.—What do you mean by standard?

A.—There is a feeling that Muhammadans returned with the support of Hindu votes might not be good candidates.

Q.—Would you not take an equally narrow or communal view?

A.—No, not that.

(*Mr. Chairman*).—*Q.*—Is not your point that a Muhammadan returned by a sole Muhammadan vote is more likely to be a good representative of Muhammadans than a Muhammadan returned by a mixed vote?

A.—Exactly, this is the feeling of the Muhammadans at the present time.

Q.—I take it you are aware of the advantages and disadvantages of the communal vote. Would not a Muhammadan returned on a general electorate consisting of Hindus and Muhammadans, and a Hindu returned by Hindus and Muhammadans, would they not be capable of taking a less narrow view of public interests and a more broad-minded view of what is for the good of the country?

A.—This may be so in theory, but in practice this theory is of no value because in actual electoral fights, we find considerations influencing the electorate which are not considerations which should influence them in theory.

Q.—Has a common electorate with reserved seats ever been tried in your Province?

A.—I believe not.

Q.—So you are not in a position to say how that system would work, a common electorate with reserved seats?

A.—We have no actual experience, but we do fear the experiment will not be a successful one.

Q.—But you are not in a position to say that they would work badly?

A.—From *a priori* considerations, I am in a position to say that they would not work successfully in the present state of things.

Q.—You were asked by Sir Muhammad Shafi about the Punjab Land Alienation Act, what is the principle upon which the particular tribes are classed as agriculturists or non-agriculturists ?

A.—Mainly the principle is that people who actually till the soil and are not classed as agricultural tribes ?

Q.—The principle is that those who are cultivating tenants ?

A.—Yes, and who are also owners.

Q.—Cultivating peasants ?

A.—Cultivating land-owners.

Q.—They are classed as agricultural tribes, and those who are not classed as agricultural tribes ?

A.—Yes.

Q.—Has that principle been properly worked ?

A.—There has not been any objection to that aspect of the question.

Q.—You know the class of Arains ?

A.—They are pre-eminently agriculturists.

Q.—Sir Muhammad Shafi is an Arain ?

A.—Yes.

Q.—So he can buy land ?

A.—Yes, he has many relation who are cultivators.

Q.—As an Arain he is under no disability ?

A.—No.

Q.—And Mr. Fazl-i-Hussain, he can buy land because he is a Rajput ?

A.—Yes, he is not under any disability ; he can buy land.

Q.—And Lala Harkishen Lal cannot ?

A.—Because he is a money-lender, he is not a member of an agricultural tribe.

Q.—He is an Arora ?

A.—It is not a question of Arora or Rajput or Arain ; it is a question of agricultural classes as against non-agricultural classes.

Q.—Certain classes have been included in the definition of agricultural tribes ?

A.—Genuine *bona fide* agriculturists.

Q.—Now I want to know whether Sir Muhammad Shafi is a genuine *bona fide* agriculturist ?

A.—Sir Muhammad Shafi owns so much land that Lala Harkishen Lal has not one-fifth of it.

Q.—Then the principle is that those allowed to own land need not be tenants ?

A.—Members of agricultural tribes are not under any disability to progress, and if by education they succeed in attaining to positions of great responsibility, it does not follow that they are taken away from the class of agriculturists.

Q.—Don't you think the way in which this classification is worked must give rise to a considerable amount of friction ?

A.—I can conceive of no other principle under which Government, which has the statutory power of notifying these agricultural classes, can proceed.

Q.—Take the Chamars in your Province, are they cultivators ?

A.—I am not sure, but probably they are not ; there is a long list, I could not tell you off hand.

(*Maharaja of Burdwan*).—*Q.*—Am I right in understanding that your law is such that, supposing I had money and I wanted to buy land, I could not do so because I am not one of those tribes mentioned in the Schedule of the Act ?

A.—That is the law, subject to this exception, that powers have been given to the Deputy Commissioner of releasing you from that statutory disability if you require land for your factory.

(*Maharaja of Burdwan*).—*Q.*—Supposing I am a successful man in industries and I have amassed a large amount of wealth and I want to utilise that and instead of buying Government paper or shares, I want to buy land. In your Province there is a distinct disability against a man being able to buy land unless he belongs to one of these tribes ?

A.—Yes.

Q.—What I referred to is the fact that members of the cultivating classes are often excluded and members who are not of the cultivating classes are often included.

A.—No.

(*Mr. Jinnah*).—*Q.*—Under the rules or the working ?

Q.—I was thinking of the working.

A.—No. The Government notifies the genuine, *bona fide* agricultural tribes of the Province. They are generally agriculturists. I am under that disability myself ; I am a Kakazai, I am not a member of an agricultural tribe, I cannot purchase land.

Q.—Don't you think it is a very stupid way of working the Act ?

A.—If you were aware of the circumstances which led to the introduction of the Land Alienation Bill.

Q.—I mean the working of the Act ?

A.—I have not suggested that the working of the Act is open to grave abuse.

(*Mr. Jinnah*).—*Q.*—Who is working the Act ?

A.—The Deputy Commissioner.

Q.—The classification of the tribes is made under the orders of the Government ?

A.—Yes.

Q.—You were asked whether, when Mr. Fazl-i-Hussain was appointed, the Hindu papers did not express their approval or support ?

A.—When Mr. Fazl-i-Hussain was first appointed he was the acknowledged leader of the Hindus and Muhammadans in the Province ; he had shortly before that presided over the political conference.

Q.—You say Hindus and Muslims ?

A.—Yes, when he was first appointed, he was.

Q.—When he was again appointed a Minister, did not most of the Hindus walk out of the Council as gesture of protest ?

A.—I understand they walked out as a protest against something done by the Governor, but not as a protest against Mr. Fazl-i-Hussain, because they are participating in the deliberations of the Council up to this day.

Q.—You say it was a protest against the Governor ?

A.—Some act of the Governor.

Q.—For having appointed Mr. Fazl-i-Hussain as Minister ?

A.—I cannot tell you that ; let me consider the exact situation. I know up to this the Hindus and Muhammadans are participating in the deliberations of the Council.

(*Mr. Chairman*).—*Q.*—The question asked you was, did these people walk out as a protest against the appointment of Mr. Fazl-i-Hussain ? Were you present at the time ?

A.—I was not present at the time. If I remember aright, the position was this. The Governor wanted to address the House, and as soon as the Governor stepped into the room, the Members walked out and that walking out was a protest against the Governor.

(*Mr. Jinnah*).—*Q.*—The suggestion is that objection was demonstrated in this way because the Governor appointed Mr. Fazl-i-Hussain as a Minister, that was the cause of it ?

A.—I could not say anything on this point.

(*Mr. Jinnah*).—*Q.*—Did you hear that ?

A.—I only remember the walking out as a protest.

Q.—Are you in favour of the Lucknow Pact or against it ?

A.—I was one of the parties to the Lucknow Pact like Mr. Harkishen Lal.

Q.—Do you want the Lucknow Pact to be observed or departed from ?

A.—In one respect the Muhammadans would now like the Lucknow Pact to be reconsidered.

Q.—In what respect ?

A.—In this respect that under the Lucknow Pact the Muhammadans of Bengal who are 53 or 54 per cent. were given 40 per cent. in the legislature ; and in the Punjab although the Lucknow Pact gave 50 per cent. of the elected strength you have not got 50 per cent. So far as the Bengal Muhammadans are concerned it is the wish of the Muhammadans that they should not be reduced to a minority. We want the Lucknow Pact to be reconsidered. Not only were the Muhammadans in Bengal given 40 per cent. but it was clearly understood that the percentage would be revised as soon as the Muhammadans got more education and political experience and so on. I was one of the members and I know this was definitely understood.

Q.—Was not the Lucknow Pact the result of give and take on the part of both communities ?

A.—Yes, undoubtedly.

Q.—There are many provinces in which the Muhammadans are in a minority ?

A.—Yes.

Q.—If you want to revise it on one side, there will be a desire to revise it on the other side as well.

A.—The Muhammadans have no objection to such a revision.

Q.—In Madras, for instance, they are very much less than the Hindus ?

A.—Yes about 5 per cent.

Q.—And they get 15 per cent. according to the Lucknow Pact ?

(*Mr. Jinnah*).—*Q.*—13 per cent. Still they are in a hopeless minority.

A.—The Muhammadans realise that a minority of 15 or 16 per cent. is just as bad as 5 per cent.

Q.—Now taking the Punjab, you are entitled under the Lucknow Pact to one-half of the elected Indian members ?

A.—No, of the elected strength.

(*Mr. Jinnah*).—*Q.*—I believe that is correct—50 per cent. of the elected Indian members.

A.—May be.

Q.—Now this 71 total number of elected members includes the European member who represents the Chamber of Commerce ?

A.—Yes.

Q.—You say you have 34 seats and your quarrel therefore is because you are short of one seat ?

A.—Just for one seat in the Lahore Municipality our Hindu countrymen have boycotted the Lahore Municipality.

Q.—The Hindus are an unreasonable lot, but I want to know about this 1 seat you are short of ; you have got 34 ?

A.—We are fighting for what we were promised.

Q.—That means one seat more ?

A.—Yes, of course, but 1 seat more makes all the difference sometimes.

Q.—Would not some expedient like what the Maharaja suggested serve the purpose ?

A.—I believe I have already accepted that expedient ; it is a good one.

Q.—However is it not too small a matter to fight about ?

A.—I would not say it is too small a matter, because a majority is reduced to a minority—that is the real position.

(*Mr. Chairman*).—*Q.*—I think we have had enough on that point.

Q.—Coming to your memorandum upon other points, I see you want certain reforms. Would you maintain or remove the official *bloc* ?

A.—I would remove the official *bloc* ?

Q.—Again you say that His Majesty's Indian Marine Service should be exempted from popular control in the Central Government ?

A.—The Army and the Navy go together.

Q.—But the Royal Indian Marine performs no naval functions except occasionally transporting troops.

A.—Well, I would exempt them.

Q.—You say that the Secretary of State's Council is an " expensive drag " ?

A.—Yes.

Q.—Do you know who pays the cost of it ?

A.—I know now as the result of the Reforms Scheme the agency charges are borne by the revenues of India and the proper charges of the Council of the Secretary of State have to be met by the English taxpayer.

Q.—Is it your opinion, apart from the question of expense, that the Council of the India Office is a useless body and should be abolished ?

A.—Yes, that is the position. It operates to our detriment.

(*Mr. Chairman*).—*Q.*—In what way does it operate to your detriment ?

A.—For this reason, that the Secretary of State must in theory and according to the scheme of the Council be influenced by the judgment of his colleagues on the Council and it is felt that these colleagues are generally retired permanent officials who carry with them all the prejudices of life-long service in India and are not very popular in their aspirations and sympathies. It is felt that the Secretary of State being constantly kept under the influence of such advisers, is not in the interests of the country.

(*Mr. Chairman*).—*Q.*—Is it a fact that some of your own community are on the Council ?

A.—I know that.

(*Mr. Chairman*).—*Q.*—And you prefer to go back to the old system when there was none of your own people on the Council—I mean the original position when they were all sundried officials ?

A.—We do not want any Council at all. We want the Secretary of State alone.

Q.—You say the functions of the Central Government should be confined to such matters as are of general concern. I suppose you would like to have a strong Central Government ?

A.—Certainly. The Central Government must in the nature of things be a strong Government.

Q.—And as between the Central Government and the Provincial Governments, with whom would you rest residuary powers ?

A.—I have not thought it out, but I think it would be preferable to keep them with the Central Government.

Q.—You say that full religious liberty, including the right and liberty of propaganda, should be given. Do you want liberty to be given for the preaching of Bolshevism ?

A.—That is not religious liberty—I mean propaganda in regard to religion—that is distinctly understood.

Q.—Don't you think religious propaganda has often given rise to trouble in this country ?

A.—Well, ill-directed propaganda has.

Q.—However, I am not against the right of this propaganda. At the top of page 4 of your memorandum you say " No Bill or resolution or any part thereof affecting any community shall be passed if three-fourths of the members of that community oppose such bill or resolution or part thereof ". Surely there must be some mistake about this. Do you mean exclusively affecting the community or affecting the community in any way along with others ?

A.—The idea was " exclusively affecting the community. " I may say that is taken exactly from the Congress-League Pact.

Q.—Suppose some Act of general application was passed, every community would be affected. You are not taking up bills and resolutions like that ?

A.—No, that was not intended.

Dr. Paranjpye.—*Q.*—You mentioned that in the Punjab about 90 per cent. of the population were agriculturists ?

A.—Yes.

Q.—And 55 per cent. of them are Muhammadans ?

A.—Yes, 55 per cent. of the total population including urban and rural.

Q.—Well out of this 55 per cent. of Muhammadans how many would be in urban areas ? Are the urban areas more populated by Hindus or Muhammadans ?

A.—Most of the strength of the Muhammadans is in rural areas. The Hindus are not so largely scattered. Possibly one might say that whether Sikhs or Hindus or Muhammadans, they are widely scattered over the rural areas.

Q.—Take it in the most favourable light. Supposing out of this 100 per cent. of population, 55 per cent. are Muhammadans, all in the rural areas ; then you say the remaining population, out of 90 per cent.—namely, 35 per cent. of the population consisting of Hindus and Muhammadans are agriculturists—therefore 90 per cent. of the population are agriculturists. Now 55 per cent. of this population is Muhammadan. Supposing all the Muhammadans are agriculturists, it follows that there must be at least 35 per cent. of the population consisting of Hindus and Sikhs which is agricultural.

A.—Yes.

Q.—What per cent. of the population is Sikh ?

A.—So far as agriculturists are concerned, it might be 20 per 15 per cent.

(*To Sir Muhammad Shafi*).—What is the Sikh population ?

(*Sir Muhammad Shafi*).—About 10 per cent.

Q.—I just want to see exactly what percentage of Hindus are agriculturists ?

A.—I have not worked it out.

Q.—I would put it in this way—55 per cent. are Muhammadans, 10 per cent. Sikhs and 35 per cent. Hindus. Supposing all the urban population consisted of only Hindus, out of this 35 per cent. Hindus 10 per cent. would be urban ; consequently you will admit at least 25 per cent. out of the 35 per cent. is agricultural.

A.—I am afraid I cannot follow your statistics.

Q.—Now you have 35 per cent. of the population Hindus ?

A.—They are about 32 per cent. or something like that.

Q.—Then it must obviously follow that at least 23 of this 32 per cent. must be agriculturists ?

A.—Whatever the percentage, a number of agricultural tribes are Hindus who have all the benefit of the Land Alienation Act.

Q.—Can you tell me what percentage of Hindus is included in that agricultural population ?

A.—I cannot.

Q.—Do you know there is among the Punjab Hindus a feeling that Government is antagonistic to the Hindus ?

A.—I am not aware of any such feeling. On the contrary I may tell you there is a belief in Muhammadan quarters that Government is very often pro-Hindu. In the Punjab we have not yet had a pro-Muhammadan Government according to popular belief.

Q.—You know that the Punjab sends a large number of people into the Army and the Army is recruited from what classes ?

A.—Largely from the Muhammadans ; and also Sikhs.

Q.—Is it a fact that Hindus are not admitted to the Army ?

A.—There are Hindu Dogras and Rajputs. There is a large number of Hindus who certainly are recruited, and I am not aware of any disability attaching to the Hindu community as a whole. There are some Hindu tribes and castes who are not fit for recruitment, but that is a different matter.

(*Sir Muhammad Shafi*).—What about Hindu Jats ?

A.—Oh, yes, they are (fit).

Q.—In answer to a question by Sir Sivaswamy Aiyer, you said that as regards the acquisition and purchase of land, you could not think of any other alternative except to denominate a certain number of castes as agricultural and a certain number of castes as non-agricultural. Don't you think it would be possible to see that people who actually cultivate their land should not be allowed to sell it to a non-agriculturist ?

A.—No.

Q.—If a rule is made that cultivators who are cultivating their own land should not be allowed to sell their land to a non-cultivator, how would that do ?

A.—It would be quite a useless thing. One or two members of a family actually till the soil and the remaining members feed on their labours. So, it will be nullifying the object of the Act.

Q.—Supposing the Maharajadhiraja of Burdwan wanted to buy land from Sir Muhammad Shafi. Should there be any objection ?

A.—Why create an exception ? I would not create any such exception.

[*Sir Muhammad Shafi.*—It so happens that Sir Muhammad Shafi belongs to an agricultural tribe (Laughter)].

Q.—As regards admission to Colleges, you said that if Muhammadans and Hindus of equal merit applied, the Muhammadans did not get admission.

A.—Yes.

Q.—Do you think the purpose would be served by making admission to the Colleges entirely by open competition according to the number of marks obtained in the preceding examination ?

A.—That is a most unusual suggestion. People who pass the Matriculation examination should be able to get into the Government College.

Q.—If there is a greater demand for admission than the number of seats available, you can make admission according to merit ?

A.—That is an unheard of proposal and it is most impractical. I would certainly not support that proposal.

(*Mr. Jinnah*).—*Q.*—It does not exist in any part of the world ?

A.—No. A Matriculate seeking admission into an Arts College and still being subjected to a competitive examination.

Q.—I may point out that we have done that in Bombay when there is a large amount of competition.

A.—I do not know. I am aware of competitive examination for such institutions as the Roorkee Engineering College but not for Arts Colleges.

Q.—If there is no room for admission for all you should adopt some such arrangement ?

A.—Then either the State must increase these institutions or it must give the benefit of the existing institutions to all the communities. That is the position.

Q.—There was some reference to the Irish analogy ?

A.—Yes.

Q.—Sir Muhammad Shafi, I believe, pointed out to you that in Ireland there are two Governments, one in the North and the other in the South. Do you know that there are several Protestants in the South of Ireland ?

A.—Very few.

Q.—And you don't think a clear cut division is possible in the Punjab as in the case of Ireland ?

A.—It is impossible. We are scattered all over promiscuously. I have Hindu neighbours and Muhammadan neighbours and so on.

Q.—Do you know that Irrigation plays a large part in the Punjab ?

A.—Yes. It has added immensely to the prosperity of my province.

Q.—Have you heard of any instances in the Council in which certain irrigation proposals were thrown out because they were more likely to help the part of the Punjab inhabited by the Hindus and other proposals which were likely to help the Muhammadan parts were carried out ?

A.—I have never heard of any such thing. If you could give me concrete instances, possibly I may say. I am not aware of any such thing.

Q.—There are irrigation schemes for the West Punjab which is more inhabited by Muhammadans and irrigation schemes for the East Punjab which is more inhabited by the Hindus.

A.—There are irrigation schemes for all such tracts which require reclamation. That is the only consideration that the authorities who put forth irrigation proposals have in mind. But the idea of benefiting Muhammadans in particular or of injuring Hindus in particular has never entered into their heads.

(*Sir Muhammad Shafi*).—*Q.*—With reference to this, may I ask if it is not a fact that the Sutlej scheme has been given preference over the Indus scheme and that the Sutlej scheme is mainly through Hindu tracts while the Indus scheme is through the Muhammadan tracts ?

A.—What I want to point out is that considerations like these have never entered, so far as I know, Government heads.

Q.—As regards the *shudhi* movement, you told us that the movement has been rather more intensive during the last two years ?

A.—Yes.

Q.—Do you think that conditions in Malabar, the forced conversion of Moplas to Muhammadanism, had any reactive influence in the Punjab ?

A.—So far as the forced conversion of the Moplas is concerned, I do not admit it.

Q.—At any rate, that was freely reported in the papers.

A.—So many wrong things are freely reported in the papers.

Q.—Supposing the Hindus believe that in Malabar there was forced conversion of Hindus to Muhammadanism ?

A.—That is very bad. I deprecate it.

Q.—And the Hindus as a reaction had an intensive *shudhi* movement.

A.—That is no reply. That is not just. I myself would deprecate and deplore any attempt to forcibly convert a person of any persuasion to another persuasion.

Q.—You can understand that it might be a re-actionary movement from Malabar.

(*Mr. Jinnah*).—*Q.*—That is what the witness says,—that it is a re-actionary movement.

(*Mr. Chairman*).—*Q.*—This is not an enquiry into the Hindu-Muhammadan unrest. This is an enquiry into the working of the Government of India Act.

Q.—Sir Muhammad Shafi also asked you about Sind. Do you want Sind to be joined on to the Punjab ?

A.—We would let Sind develop as a separate administration because they have been so long accustomed to advanced Bombay. They had better continue. We Punjabis are not regarded as good companions.

Q.—Do you agree with the suggestion that Sind should have its own Government ?

A.—Yes, separate autonomy.

Q.—Do you think that Sind would be able to raise sufficient capital for its irrigation and other developments if it had a Government of its own ?

A.—Well, this question can be met by loans and other schemes.

(*Sir Muhammad Shafi*).—The irrigation scheme will convert Sind into one of the granaries of the world.

Q.—As regards loaves and fishes of office, you say that there are disputes in the Punjab. Do you think there would be a great mitigation in these quarrels if there were a Public Services Commission ?

A.—Oh, yes.

Q.—For the making of these appointments and not leaving the Ministers to do it ?

A.—By all means.

Q.—But would you advocate it ?

A.—Certainly, let there be a Public Services Commission.

Q.—As regards the Secretary of State's Council, you object to its existence ?

A.—I object.

Q.—Is it your impression that the Indian Members of the Secretary of State's Council are appointed on the recommendation of the Government of India ?

A.—They must be. I take it they are. That is the general rule.

(*Mr. Chairman*).—That is laid down in the Government of India Act, as to who appoints them.

Q.—Do you know that the work of the Secretary of State's Council is generally done by means of sectional committees ?

A.—Yes, there are committees.

(*Mr. Chairman*).—*Q.*—Have you any experience of the working of the Secretary of State's Council ?

A.—All my knowledge is derived from books. I have no personal experience whatsoever.

Q.—Of the working or the appointment or the methods that are employed in the Secretary of State's Council ?

A.—All this information is contained in books.

Q.—You have no personal experience ?

A.—I have no personal experience.

(*Dr. Paranjpye*).—*Q.*—Is it one of your objections to the Secretary of State's Council that Indians are not put upon the more important committees of the Secretary of State's Council ?

A.—My objection is to the Council itself.

The President then thanked the witness who then withdrew.

Thursday, the 21st August, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. B. S. Kamat, on behalf of the Deccan Sabha, Poona.

EXAMINED BY THE CHAIRMAN.

Q.—You appear on behalf of the Deccan Sabha ?

A.—Yes.

Q.—That is a political body ?

A.—Yes.

Q.—In Poona ?

A.—Yes.

Q.—Can you tell the Committee something about its constitution ?

A.—The Deccan Sabha was constituted about 25 years ago—I think about 1896—by the late Mr. Ghokale.

Q.—How many members has it got ?

A.—I am not quite sure about the membership. I think it is not very large.

Q.—Can you give us some idea ? 100 or 200 ?

A.—It must be between 150 or 200 at the outside.

Q.—What is the qualification for belonging to the Sabha ?

A.—There is no special qualification. People who are interested in politics and who belong to the liberal political complexion are admissible as members.

Q.—Without any distinction of Muhammadans or Hindus or any other distinction ?

A.—Irrespective of any caste, or community.

Q.—Are Muhamadans on it ?

A.—I do not think there are any Muhammadans, but I know there are some Parsees.

Q.—Speaking generally, what classes belong to it ?

A.—The membership is chiefly composed of Hindus, as in the Deccan the Hindus are in a mojority.

Q.—Is it a Mahratta body ?

A.—Not necessarily.

Q.—Would there be more Mahrattas than other people ?

A.—Are you speaking of Mahrattas in the strict sense of non-Brahmin Mahratta ?

Q.—Loosely.

A.—The membership is composed of Brahmins, Mahrattas, Parsees, and all castes.

Q.—Is it a registered body ?

A.—I do not think political associations are allowed to be registered.

Q.—Why not under the Indian Companies Act ? Anyway, it is not registered ?

A.—No.

Q.—You have got a paid Secretary ?

A.—No. There are two or three Secretaries, who are honorary Secretaries.

Q.—What office do you hold in that body ?

A.—I am one of the Vice-Presidents.

Q.—Who is the President ?

A.—Sir Hormusji Wadia. Mr. Sastri is also one of the Vice-Presidents.

Q.—It is not then entirely confined to Bombay ?

A.—I might call Mr. Sastri a Bombay man as the Servants of India Society has its headquarters at Poona.

Q.—It is not restricted to the Bombay Presidency ?

A.—No.

Q.—It operates generally ?

A.—Members from any part of the country can join it.

Q.—What is the executive ?

A.—There is a Council—that is to say, something like a Managing Committee.

Q.—Is it a big one ?

A.—It is composed of about 25 members.

Q.—What I want to get at is this. Was this memorandum circulated to all the members of the Council ?

A.—This was passed by the Council.

Q.—At a meeting ?

A.—At a meeting of the Council.

Q.—On page 2, paragraph 5 (1) of your memorandum you say : " During the life of the first Legislative Assembly, the Executive could carry on its necessary administration only by the good-will of the Assembly." Do you regard that as a satisfactory position ?

A.—What is meant to be shown is that but for the good-will of the Assembly, administration or legislation would not have been smoothly possible.

Q.—Do you regard that as satisfactory ?

A.—So far as it goes.

Q.—You say, " During the life of the first Assembly, the Executive could carry on its necessary administration only by the good-will of the Assembly." During the first Assembly, the Assembly had complete control of the Executive—I won't say complete control, but great control of the Executive ?

A.—In what sense do you mean ?

Q.—I merely quote your own statement, " During the life of the first Legislative Assembly, the Executive could carry on its necessary administration only by the good-will of the Assembly." My point is, therefore the Assembly had control of the Executive ?

A.—Not necessarily.

Q.—Then would you explain that ?

A.—Wherever there was mutual good-will they could work with reference to legislation, but it does not mean that the Assembly had control over the Executive.

Q.—That is how it reads.

A.—I do not see that meaning there.

Q.—If the Executive could only carry on the necessary administration by the good-will of somebody else, that somebody else must have had control of the Executive ?

A.—It does follow. Even supposing there had been no good-will on the part of the Assembly, there were the other powers in the Executive.

Q.—But as a matter of fact, your point is I take it that owing to the good-will which existed the Government did carry on without using those powers ?

A.—Yes. Owing to good-will they had not to use every day their reserved powers.

Q.—Then the basis of the arrangement was reasonably satisfactory and it depended on the good-will of the Assembly ?

A.—Yes.

Q.—Would you accept what we had from an *ex*-Minister yesterday or the day before, that almost any constitution will work with common sense and good-will ? Would you accept that ?

A.—Yes.

Q.—Will you accept the converse that no constitution will work without good-will and common sense ?

A.—Certainly, there must be a certain amount of reasonableness on either side.

(*Sir Sivaswami Aiyer*).—*Q.*—Is there a middle proposition between the two ?

(*Mr. Chairman to Sir Sivaswami Aiyer*).—You can put that when you examine the witness.

Q.—You say, " The difficulty has been still further aggravated in the second Assembly, whose conduct has been one of constant warfare with, or obstruction to, the Executive." That, of course, is a very unpleasant position. But that will arise under any constitution ?

A.—Not necessarily.

Q.—But it has arisen for example under the English constitution ?

A.—I do not know exactly about the English constitution.

Q.—My point really is this. Can you devise a constitution so perfect that you may not have a state of obstruction ?

A.—There are obstructions and obstructions. If there is obstruction on the part of the Assembly, on the part of the Legislature, and if they can step into the shoes of the Executive, then it is an entirely different kind of obstruction.

Q.—Take the Irish obstruction in the House of Commons. They could not step into the shoes of the Executive, but still they were very troublesome ?

A.—I am not precisely aware of the position of the Irish and the Scottish members, but what I do know is that unless those who obstruct

are also in a position to step into the shoes of the Executive, the obstruction is bound to lead to a continuous deadlock.

Q.—I am not really contesting that point at all, but what other constitution will you have.....

A.—Do you mean that it is not possible to devise a constitution without having some sort of obstruction ?

Q.—Which will prevent obstruction ?

A.—I have answered your question to a certain extent. The kind of obstruction referred to in this paragraph is not the kind of obstruction which you are referring to.

Q.—One small point in that paragraph. You are not correct, I think, in saying that the Governor General has any powers of restoration. It is the Governor General in Council, is it not ?

A.—Yes.

Q.—That is a small point ?

A.—Yes.

Q.—Should I be wrong in saying that paragraph 5 summed up comes to this, that you have an irremovable Executive which is in a minority in the House ? Will that fairly sum it up ?

A.—It is not precisely summed up in the manner I want to.

Q.—You know that has been the argument ?

A.—An irremovable Executive.....

Q.—In face of a parliamentary majority.....

A.—In face of a majority as we have described it here is an impossible position.

Q.—That is the position that I was putting to you ?

A.—Yes. I was a member of the first Assembly, but not of the present Assembly. I stood for the second Assembly, but was not elected.

Q.—Did you ever hold any office under Government ?

A.—No.

Q.—Excepting that you were a member of the Assembly ?

A.—Yes. I do not think that that is an office under Government.

Q.—I mean it is a public office in any way ?

A.—Yes.

Q.—In reference to sub-paragraph (2) of paragraph 5 where you refer to the constant and interminable references to the India Office—what is your information based on ?

A.—My information is based on the working of the three years of the first Assembly. So far as legislation was concerned, we had often to wait for sanction—at any rate that was the impression on our minds. So also for administrative matters, or even for budget procedure, or financial adjustments, we had to wait for the sanction of the Secretary of State.

Q.—Of course, I think there were references to the India Office, but you use the words constant and interminable. Were they interminable ?

A.—Everything must have a termination, but that is not what is meant.

Q.—But the suggestion is that they were very greatly delayed ?

A.—I think that is a correct statement so far as certain matters go.

Q.—So far as your experience went ?

A.—Yes. Take for instance the Esher Committee's Report and the resolutions passed by the Assembly. It took something like two years to get a decision from the Home authorities.

Q.—Sub-paragraph (4). You are dealing with the question of votable and non-votable items, and you say, " This provision of the Act is framed and also interpreted in a way which shows an amount of distrust of the Legislature." Would you explain to the Committee what you mean by that ?

A.—Under the present Act there are certain items which are non-votable. Now, for instance, the defence, military vote,—that is not open to the vote of the Assembly. As a matter of fact I think the whole of this provision in the Act is based on a distrust of the people.

Q.—Would you have everything votable ?

A.—You mean military ?

Q.—Everything.

A.—Certainly, yes, subject to one condition that if military happens to be a subject for which the Governor General is responsible he should have the power of restoration of the grant.

Q.—In the proper interpretation of the term that should be non-votable as it is ? Under this section which you complain about—section 67A—the non-votable heads are the following. (1) Interest and sinking funds. Would you allow them to be votable or non-votable ?

A.—I think in the last Assembly there was some dispute over the meaning of sinking funds, whether railway annuities can be classed as sinking funds.

Q.—The question is whether you would allow interest and sinking funds to be votable or non-votable ?

A.—Sinking funds in the strict sense of the term.

Q.—In the proper interpretation of the term that should be non-votable ?

A.—In the strict interpretation of the term sinking funds, they should be non-votable.

Q.—" Expenditure of which the amount is prescribed by or under any law." Is that to be votable or non-votable ?

A.—There, again, it is a very wide term, " expenditure of which the amount is prescribed by or under any law."

Q.—You would limit it in some way ?

A.—Yes.

Q.—In what way ?

A.—Anything could be prescribed by law, and I do not want this phraseology here. For instance, certain services if they are prescribed by law I would not mind, but this present wording is too wide and too vague.

Q.—You say services. For example, the pay of the Governor General in Council is prescribed by the Government of India Act. Would you let it be non-votable ?

A.—It must be non-votable. I think under other constitutions too it is non-votable.

Q.—Supposing an Act of the Legislature says so much is to be paid to certain men would you allow it to be votable or non-votable ?

A.—Well, the Governor General's salary can be treated as non-votable.

Q.—Take for instance in England the Speaker's salary is fixed by Parliament. Would you allow that to be non-votable ?

A.—Even here you have the President's salary non-votable although I am not prepared to make it non-votable.

Q.—The President's salary is not prescribed by law ?

A.—In fact, here nearly all salaries and even allowances, are non-votable. It is too much.

Q.—My point is this. Would you confine this to a case where either an Act of the Parliament or an Act of the Indian Legislature fixes a definite sum, or would you even in that case require it to be voted ?

A.—Certain salaries—the salary of the Governor General for instance, fixed by law, during the period he holds office of the Governor General should be non-votable. I admit.

Q.—That is not my point. You have an Act of the Indian Legislature fixing, for instance, the salary of the town clerk of Simla—that has already been fixed by Legislature. Would you require a second vote on that.....

A.—If you have Public Service Acts regularly cataloguing certain posts and certain salaries I would not subject them to a second vote, but in such Public Service Acts giving certain posts and certain salaries which are safeguarded by Acts I do not think these salaries and pensions of.....

Q.—We are not dealing with that. We are dealing with no. (*ii*).

A.—My remark even applies to that unless by law you confine certain posts and certain salaries to a definite area.

Q.—Sub-clause (*ii*) says, expenditure of which the amount is prescribed by or under any law. I am not dealing with salaries and pensions. I put to you a general question whether expenditure as laid down by an Act of the Indian Legislature—you want to have that voted in the budget or not ?

A.—If it is prescribed by law and if it is only with reference to certain posts and if you have got Public Service Acts regulating the salaries and posts of the Public Services, then to that extent only I would not have a second vote.

Q.—I take it, it really comes to this that unless you are satisfied with the contents of the Act you would like to have a second vote ?

A.—My point is this, the words " anything prescribed by law " are too vague and too wide, and in order to circumscribe that, what I would have is not to give this wide power but to frame Public Service Acts and then have a list of certain posts with definite salaries, and those only should be non-votable.

Q.—I am not having in mind the public services. It may be that the Act requires the Government of India to pay Rs. 10,000 to a college. I do not want to get at the services question.

A.—If you are not having the services in mind.

(*Mr. Jinnah*).—*Q.*—Supposing any expenditure is prescribed by law if you were not satisfied with that, would you not rather amend or improve that law rather than make it votable by the Legislature ?

A.—Certainly, I would amend the law.

Q.—That is my point.

A.—In that case I would amend the law.

Q.—Then salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council. Do you object to that ?

A.—I object to that.

Q.—On what ground ?

A.—In the first place in principle it is not right that the Secretary of State in Council should have the recruiting power in his hands with reference to either small or big offices. So far as appointments made by His Majesty are concerned, they are entirely in a separate category.

Q.—Then you would amend the section—I merely want to get at what amendments you would make—leaving out the words " or by the Secretary of State in Council ", but retaining the words " appointed by or with the approval of His Majesty."

A.—Yes.

Q.—The next item is salaries of chief commissioners and judicial commissioners.

A.—These I would make votable.

Q.—You know that the salaries of high court judges are not votable ?

A.—Yes.

Q.—Why do you distinguish between a judicial commissioner and a high court judge ?

A.—As a matter of fact I would leave out both and make the salaries of even High Court Judges votable.

Q.—You would like to have the salaries of High Court Judges made votable ?

A.—I should like to have that.

Q.—You would amend the section to make the salaries of judicial commissioners votable ?

A.—Yes.

Q.—Then you would delete (*iv*) altogether ?

A.—Yes.

Q.—Will you now refer to (*v*) ? Expenditure classified by the order of the Governor General in Council as ecclesiastical. Would you delete ecclesiastical ?

A.—I would entirely delete ecclesiastical.

Q.—Political ?

A.—Under our scheme political and defence.

Q.—I want you to answer my question. Would you delete political ?

A.—As the statute stands at present, I would make political and ' defence ' votable, subject to this : so far as ' defence ' is concerned the Governor General should have the power of restoration for the safety and tranquillity of the country. Under our scheme, if you would allow me to refer to that, I would make it a subject for which the Governor General is responsible and in that case naturally he should have the power of restoration, because he is responsible to Parliament.

A.—Yes.

Q.—Then you recognise the fact that as long as Government is responsible for a subject, he should have the power of restoration ? That is what your statement comes to. You say that under your scheme you would give the Governor General the power of restoration in the case of defence because he was responsible to the subject.

A.—As the statute stands at present, I said I would give him the power to restore only if he feels that the safety or tranquillity of the country is in danger.

Q.—You would give him the power because he is responsible, and you recognise that as long as Government is responsible to any subject it must have the power to make its order effective ?

A.—Yes, by power of restoration. In the first instance the whole of the vote should come before the Assembly.

Q.—Quite so. Still you recognise that a responsible Government must have the power to make itself financially effective.

A.—It must have the ultimate power only in the name of safety and tranquility.

Q.—You object to the word " interests " in section 67 ?

A.—I object to the word " interests ". It is too wide.

Q.—Is that based on a discussion in the House ?

A.—I think that has been an old grievance of people in India. In fact, ever since the Government of India Act was passed in 1919 we had been objecting to the term " interests. "

Q.—You would leave the words " safety and tranquillity " ?

A.—Yes ; there it should stop.

Q.—You do not object to that ?

A.—We do not object to those two.

(*Sir Arthur Froom*).—*Q.*—I think you suggested a third word, but you are not quite sure what it should be ?

A.—If there is a difficulty we say drop the word ' interests. '.

(*Sir Henry Moncrieff Smith*).—*Q.*—Do you think that the safety and tranquillity would cover every case that might arise ? Suppose there is a very necessary department, not essential for safety or tranquillity and the Assembly refuses to vote any money for it, do you think that that department should be shut down ? I mean something in the nature of a nation-building department ?

A.—That is entirely a different class. If you mean that by the insertion of the word " interests " you should have the power of carrying on a department, I think it is not a desirable power. You want to cover everything under the word " interests. "

(*Sir Henry Moncrieff Smith*).—*Q.*—You want to take the word " interests " away. What I am asking you is enough. Do you think the words " safety or tranquillity " will go far enough. I have put to you a case and I want to know whether from your point of view an essential department is to be shut down because no money is voted for it. Should there be no power of restoration ?

A.—Government should accept the situation and shut that department down rather than come into conflict with the Assembly.

(*Sir Henry Moncrieff Smith*).—*Q.*—That would be a case where it would be in the interests of British India to restore the grant. Is it not ?

A.—Who is to interpret what is in the interests of British India ? Of course, the Executive.

(*Mr. Jinnah*).—*Q.*—Is not this your point ? The vote of the Assembly should not be over-ruled by power of certification unless it is a matter of very grave importance ?

A.—Exactly so.

(*Mr. Jinnah*).—*Q.*—Unless it is a matter of very grave importance ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—You take safety and tranquillity as the ground on which a grant should be restored ?

A.—These are the two grave situations in which there should be the power of certification.

(*Sir Henry Moncrieff Smith*).—*Q.*—Law and Order only and not General Administration ?

A.—If you widen the whole thing there is no end to it. Where will you stop ?

(*Mr. Chairman*).—*Q.*—We have got your views on that. Safety and tranquillity are the tests.

A.—Yes.

(*Maharaja of Burdwan*).—*Q.*—Is it possible to substitute the word " progress " for a word like " interests ".

A.—A good many things are necessary to be done, and yet they are not for progress.

Q.—In page 5 of your Memorandum I see you repeat what we heard from other witnesses that one of the difficulties in the working of the present administration in the provinces is the treasury control of the Finance Department ?

A.—Yes.

Q.—What practical experience have you of that ? On what do you base that statement ?

A.—I have no personal experience there, because fortunately I was not a Minister.

Q.—Is it based on what you heard from the Ministers or is it based on your reading of the result ?

A.—It is based on the rules and the provisions of the Act.

Q.—It is based on the rules ?

A.—Devolution Rules. It is under section 36 of the Devolution Rules. If the Finance Department is in the hands of an Executive Councillor, naturally it follows that the Minister would be handicapped in carrying his schemes through.

Q.—On the ground that he would naturally have a bias in favour of his own department ?

A.—Not a bias. But he is at a disadvantage because that department is in the hands of an executive councillor.

Q.—The executive councillor would naturally have a bias in favour of the Reserved Departments ?

A.—Yes, it is the executive councillor who has the bias in his own favour. That is my point.

Q.—If you amend the rule which puts the Finance Department in charge of a member of the executive council, have yet anything else against the treasury control ? Will it satisfy you ?

A.—Even then the rules would not work smoothly. So long as there are two departments, transferred and reserved, it might happen that schemes of one department might clash with the schemes of the other department ; and so long as Ministers have not the right to challenge the schemes of the other departments, they are not likely to have an opportunity to get priority for their own schemes and the schemes of the Reserved Departments may obtain priority over the schemes of the Ministers.

Q.—You do not think even if you had a separate department, not held by a Member of the Executive Council common to both departments, the difficulty would arise ? If the Finance Department was a department not controlled either by a Reserved or a Transferred Member or a Minister, as the case may be, even then you think difficulty would arise ?

A.—Do you mean that the Finance Department should be outside the control of both ?

Q.—That is what I do mean.

A.—I do not see how that would be possible.

Q.—Why not ?

A.—It must remain under the control of this or that department under the local Government.

Q.—Why should it be so ?

A.—As a department it must be under the control of some branch of the Government.

Q.—Not necessarily under the Local Government ?

A.—Under whose branch would it be subordinate ?

Q.—The Controller General. If it is taken right outside the Government ?

A.—Then possibly it would facilitate the work of the ministerial side of the Government.

Q.—Only possibly ?

A.—I say it will facilitate.

Q.—It has been said that Ministers do not have a fair share of the money because the Finance Department is in charge of an Executive Councillor. Would they not get enough money if the department is in charge of a perfectly independent authority ?

A.—The best course would be to have the Finance Department in the hands of the Ministers.

Q.—Then would there not be the same complaint from the reserved side ?

A.—Abolish the two branches and give it over to one unitary Government.

Q.—I am putting the case to you as the rule stands, not as it might stand. You see no objection, at any rate, to treasury control ?

A.—In every Government there must be some treasury control. If you mean departmental control, in that case let the departmental control remain, but so far as the organisation of policy and the schemes are concerned, I think the Ministers must be masters of these so far as finance is concerned.

Q.—But no properly constituted Finance Department has any right to interfere on the ground of policy ? The Finance Department interfere for financial reasons ?

A.—When they examine the scheme they throw cold water on the whole scheme on the ground of finance.

(*Sir Sivaswamy Aiyer*).—*Q.*—Have you any experience of the working of the Finance Department and the degree to which they interfere with other departments ?

A.—I am speaking from the rules. I am not speaking from personal experience.

Q.—There is nothing in the rules by which the Finance Department can interfere on grounds other than financial grounds.

A.—Is it not the case.....

Q.—Could you show me the rule ? I do not pretend to be familiar with the rules. I am just asking whether there is anything in the rules which lays this down ?

A.—They do so if not directly then indirectly. They have the tendency to throttle the schemes of the Ministers.

Q.—But there is nothing in the rules ?

A.—Not specifically under any rule but indirectly.

Q.—They are biased against the Ministers ?

A.—Yes. I admit that matters could be facilitated if it is under a neutral department. But it would not be the best possible thing.

Q.—It might meet the particular point I had in my view. Would you please refer to sub-paragraph (4) on page 5 of your Memorandum ? There it is stated : " In short insufficient joint deliberation and want of collective responsibility have been the chief drawbacks of the dual system." It has been brought before us on several occasions that the joint deliberation is enjoined by the Instrument of Instructions. But it is limited by other things. Supposing the Instrument of Instructions was amended and joint deliberation directed in all cases, will it meet your point ?

A.—Even supposing there is an enforced joint deliberation by so many rules, I do not think the working of this dyarchy would be smoothed.

Q.—That is a possible thing. But you complain of insufficient joint deliberation. That is the particular evil I am trying to remedy. If the Instrument of Instructions was so amended as to direct joint deliberation in all cases, will it meet your difficulty ?

A.—It would at best lessen the defects of the present system.

Q.—Would it meet that particular complaint ?

A.—It would simply lessen the evil of the whole system.

Q.—But it would not meet that particular complaint ?

A.—Not as long as the two separate wings of Government remain.

Q.—I quite understand your objection and you may have many more objections. What I ask is whether it will not meet that particular complaint ?

(*Mr. Jinnah*).—*Q.*—Supposing you had no choice except to have your particular complaints remedied, will this complaint be not remedied if the Instrument of Instructions are amended to that extent ?

A.—I have answered that question by saying that the evil would be lessened.

Q.—You say that another complaint is the want of effective responsibiility. Supposing the Act of the Rules whatever might be necessary was so amended as to definitely lay down that Ministers will jointly and severally be responsible, will that meet your complaint ?

A.—No.

Q.—Please refer to sub-paragraph (5). There you refer to a system analogous to the system in some of the Dominions. Could you tell us what those Dominions are ?

A.—What is meant here is the system in the Australian constitution known as the Braddon's clause.

Q.—Could you tell us what that clause is ?

A.—It was only a temporary arrangement.

Q.—Could you let us have the reference ?

A.—I think it is a well known arrangement. It was a temporary arrangement at one stage in the Australian constitution.

Q.—You mean during the ten years ?

A.—Yes, it was a temporary arrangement and it is not to be found in the permanent constitution.

Q.—I would not bother you with it now. Please let us have it afterwards.

A.—It was just a temporary arrangement in the initial stage of the constitution when the customs duties were distributed between the States and the Federal Government in a certain ratio.

Q.—How do you think this proposal of yours will work actually ? Have you ever worked it ?

A.—I have just thrown that out as a suggestion.

Q.—So you do not know how it will work. The Memorandum states : " In this connection the Sabha ventures to suggest whether instead of the pie rate basis, some system analogous to the system in some of the Dominions may not be devised here by the recently appointed Taxation Committee, whereby a fixed share in Imperial Revenues, such as Income-tax, can go to the Federal Exchequer and the remaining share could be refunded to the Province, in proportion to the receipts collected in each Province." Have you tried that system ?

A.—It has not been tried in India.

Q.—But you have not made any preliminary calculations to see how it will work ?

A.—No, it has not been worked out in definite figures. I have thrown it merely as a tentative suggestion that the principle of this suggestion should be considered by the Taxation Committee.

Q.—Have you had anything to do with this, even roughly ?

A.—No.

Q.—So you have not tried it at all ?

A.—But it would be much better than the present pie rate system, because under that system the Bombay Government is getting nothing out of the income-tax, although that Government is contributing something like 42 per cent. to the Central Exchequer in income-tax receipts. Out of 20 crores, Bombay contributes about 8 to 9 crores, I think.

Q.—Please refer to page 6 of your Memorandum. I do not quite understand your point in the following sentence : " Also the power of moving re-appropriations, so as to alter the destination of a grant from one head to another, though not between reserved and transferred, heads, which obtained in the old Councils should be allowed to the Legislative Councils ". What is the point there ?

A.—Under the present rules I think it is the Finance Department which has the power of re-appropriation. What is suggested here is that the members of the Legislature should have the power of moving a re-appropriation from one head to another provided the heads are transferred. This should be done during the Budget discussion.

Q.—Please refer to paragraph 12. There you say that the powers of control of the Governor General in Council over Local Governments be restricted for the purposes of safeguarding the interests of central subjects only. Would you look at rule 49. That rule lays down three limitations. One is to safeguard the administration of central subjects. You will agree to that ?

A.—Yes.

Q.—The second is to decide questions arising between two provinces, in cases where the provinces concerned fail to arrive at an agreement. Would you object to that ?

A.—I would not object to that. But a better system would be to have an inter-provincial Commission in case of any doubts and disputes.

Q.—Would you not allow the Central Government to do that ?

A.—I think an independent tribunal would be better.

Q.—Will it be set up by the Central Government?

A.—Yes ; and to this tribunal disputes should be referred.

Q.—Supposing there was a matter that required very early settlement, will this tribunal not be a sort of hindrance ?

A.—If it was a question of urgency I would not mind. But generally or in the case of long-pending disputes between two provinces, it would be much better to refer the whole thing to an independent tribunal rather than to the Government of India.

Q.—Would you take that view if the Government of India was no longer an official Government ?

A.—I think the Government of India have certain prejudices and certain pre-conceived notions.

Q.—Will these prejudices and pre-conceived notions go on with the next Government ? Do you mean to say that central governments have these prejudices *ex-hypothesi* ?

A.—They have either certain preconceived notions or they have certain prejudices.

Q.—You mean all the central governments.

A.—Generaly all the central governments. So it is better to refer such disputes to an independent tribunal.

Q.—Is this the practice under any constitution with which you are familiar ?

A.—I cannot exactly lay my finger on any particular constitution ; but there is the system of inter-provincial tribunal in one of the constitutions.

Q.—You mean one of the Colonial constitutions ?

A.—Yes. If you give me time, I will quote the authority.

Q.—Would you object to clause (3) of Rule 49 ?

A.—I would rather do away with it. For the sake of simplicity it is much better to restrict the whole interference of the central government only for purposes of safeguarding the administration of central subjects.

Q.—You say in paragraph 12 (2) that you should have a cabinet system and rules for transaction of business be framed after cabinet practice. Are you aware whether there is any rule for the disposal of the business ?

A.—There is no published rule. I think all the books on constitution do say that there are no definite rules.

Q.—Does it not depend entirely on the Prime Minister ?

A.—Yes ; and also on the unwritten usage.

Q.—I have always taken the view that it depends entirely on the Prime Minister.

A.—The Prime Minister does not even get the minutes and the whole thing. Everything is however regulated by the usage.

Q.—Do you think it is a safe thing for a country like India ?

A.—At the present stage it looks rather a difficult proposition but a beginning has to be made.

Q.—So far as the cabinet practice is concerned, as far as I know no record is kept and the whole thing rests on the recollection of the people who take part in it. Is it not rather a dangerous practice to be introduced in India which is a very big country ?

A.—I do not think it is dangerous in the sense in which you take it to be.

Q.—You want to follow the cabinet rules. But my information is that there are no such rules. I want to know whether you wish to have a system in which there is not to be any rule ?

A.—I do not see any danger in following whatever the practice may be.

Q.—Do you know what the rules are ?

A.—What we do know from books, at any rate, is that minutes are not kept and the Member's responsibility or decision is only fixed by the Prime Minister without definite rules.

Q.—You want to have rules for the transaction of business on cabinet practice ; as far as I understand there are no rules.

A.—Yes. There are no rules.

(*Mr. Jinnah*).—*Q.*—What rules do you want ?

A.—The present rules under our section 52, are kept more or less confidential so far as the relations of the Ministers and the Governor are concerned. If there are some rules in this country, I do not mind, although I see it would be quite against the cabinet practice. Certain definite rules for the guidance of Cabinet Ministers would not be objectionable.

(*Sir Muhammad Shafi*).—*Q.*—As I understand this paragraph 12 (2) of yours, your proposal is that the composition of Governors' Executive

Councils should be altered so as to have a cabinet system and rules for the transaction of business should be framed after cabinet practice. That word " after " means on the model of the practice adopted in Cabinet systems of government. You do not necessarily say that there are rules already in existence and framed by the cabinet, say in England, all you want is this, that the rules here should be in accordance with the practice adopted by the cabinet ?

A.—Yes. I say rules for the transaction of business.

(*Sir Muhammad Shafi*).—*Q.*—How can you recommend a thing you do not know ?

A.—The cabinet practice is known from books and constitutions and not by actual personal knowledge. But if those books and constitutions give the correct idea of what the cabinet practice is, we want the same thing to be followed here.

Q.—To be put into rules ?

(*Mr. Jinnah*).—*Q.*—You want it framed on the model of Cabinet practice as it is reported in various books of constitutions ?

Q.—Will you look at section 46 (2) of the Act ?

A.—Yes.

Q.—You have suggested that should be amended so as to restrict Governorships to men outside the public services. Is there anything in section 46 (2) which prevents that being done now ?

A.—Well, the object of this suggestion is to restrict the appointment of Governors to men outside the public services as a specific restriction.

Q.—You want a specific restriction that no public servant shall be appointed a Governor ?

A.—There is no specific restriction in the Act as it now stands and we want to introduce that specific restriction.

Q.—I understand your Association is not in favour of communal electorates, is that so ? Paragraphs 10 (1) and 13 ?

A.—In principle we do not like communal electorates, but as a matter of expediency we think they should continue for a certain time. We do not like that the present arrangement should be disturbed at this stage.

Q.—And in the same paragraph (13) you say you would alter rule 21 of the Devolution Rules. Would you abolish it entirely or what would you do to it ? It deals with the withdrawal of balances ; would you withdraw it altogether or modify it ?

A.—Personally I would abolish it entirely ; it does not give real sense of financial autonomy to the provinces at all. The Governor and his Legislature should be depended on to keep a reserved minimum of balance.

Q.—Would there not be some difficulties about that ? Are not the provinces as a rule overdrawn ?

A.—At present I suppose each province has entire control of expenditure so as not to go below a certain minimum, a figure beyond which it cannot go, and the programme of expenditure to a certain extent is regulated by the central government.

Q.—You still think you would cancel the whole rule ?

A.—I would do away with the whole rule.

Q.—You realise there would be some difficulties about this, if you cancel rule 21, in view of the fact that the provinces, are sometimes overdrawn to a large extent, two crores possibly ?

A.—Once the rule is not there, I think in time they would adjust their financial arrangements properly.

Q.—The mere fact of cancelling the rule will improve their financial position ?

Sir Muhammad Shafi.—*Q.*—Will you please turn to paragraph 5 (2) of your statement, about the middle of that paragraph, your Sabha says :—" Apparently provision has been made in the Act under section 19-A for some relaxation of this control, but it has been contended on behalf of Government that rules for such relaxation cannot be framed so long as the Secretary of State, and his agents the Government of India are responsible to Parliament. It appears, however, to the Sabha that the very insertion in the Act of section 19-A by Parliament when it passed the Act in 1919 shews that Parliament did contemplate to make it possible for the Secretary of State to relax his control, although Parliament then knew that no element of responsibility existed in the Central Government." In this passage does your Sabha refer to the Debate which took place in the Assembly on Dr. Gour's Resolution ?

(At this stage Sir Muhammad Shafi took the Chair).

A.—The Sabha had that debate in mind.

Q.—And the position which was taken up by the then Home Member in reply to the resolution is what you refer to in this passage ?

A.—Yes.

Q.—I believe you were in the House when that debate took place ?

A.—No, unfortunately I was in England last year when this debate took place, but I have looked up the proceedings.

Q.—Is it not a fact that all the non-official speakers who took part in the debate controverted the position taken up by the Home Member ?

A.—Yes they did.

Q.—Including Mr. Rangachariar and Dr. Gour ?

A.—Yes, and even Mr. Samarth, if I remember aright.

Q.—I am referring to two lawyers by name with a specific object.

A.—Mr. Samarth is also a lawyer.

Q.—And Dr. Gour's resolution was ultimately carried by a large majority ?

A.—Yes.

Q.—I take it from this passage that your Sabha is also of the opinion that action can be taken under section 19-A for relaxation of the Secretary of State's control ?

A.—I shall explain the position of the Sabha, with all respect to the lawyer members of the Committee here because I am not a lawyer myself. The view which the Sabha takes is this. To some extent relaxation of the control might be possible, but it does not mean that the Secretary of State can divest himself of his responsibility to Parliament.

Q.—In other words the Secretary of State cannot remove his control ; he can restrict and relax it as the section says ?

A.—As long as he cannot divest himself of the responsibility any rules framed under section 19-A will not serve the purpose.

Q.—Then you go on to say in a subsequent passage :—" However, whatever the interpretation of section 19 A on this point may be, the

Sabha is convinced that unless this control is relaxed either by rules or by a change in the Act, so as to give the Government of India the largest measure of independence of the Secretary of State which is compatible with the discharge of his own duties, the extreme rigidity of this excessive control will, in actual practice in coming years, prove more and more an impediment to good administration. Would you favour relaxation of the Secretary of State's control in cases where the Government of India and the Indian Legislature agree, no matter what the subject of that agreement may be ?

A.—No, I do not think a convention like that, if you mean a convention, is desirable.

Q.—No I do not mean a convention, I am simply talking of the extent to which you would like to see the Secretary of State's control relaxed or removed ; I am not thinking of conventions, or rules, or change in the Act. Would you like to see the Secretary of State's control removed or relaxed or restricted in cases where the Government of India and the Central Legislature are in agreement ?

A.—No, I do not want such limitation at all. I want entire abolition of the control of the Secretary of State.

Q.—Entirely removed, then what do you mean by saying, " consistent with his duties " ?

A.—That is according to what we demand now. The entire control should be removed not only under section 19-A or under section 2 or section 21, or section 20.

Q.—But if you mean the removal of the Secretary of State's control in its entirety, what do you mean by this expression, consistent with his own duties ?

A.—Are you referring to our scheme ? Under our scheme there are two subjects which will remain with the Governor General and as he will be responsible to the Governments, there will be a certain amount of responsibility which vests in the Secretary of State, namely, for Defence and political relations. It is these duties we refer to.

Q.—When you speak of entire removal of his control and say " consistent with his duties " there are some limitations you do contemplate in regard to Defence and foreign affairs ? With the exception of those two subjects, you would remove the Secretary of State's control entirely ?

A.—Entirely, and I think it cannot be removed under section 19-A whatever the construction may be.

(*Mr. Jinnah*).—*Q.*—I do not understand what you mean by this passage in paragraph 5 of your memorandum :

> " However, whatever the interpretation of section 19-A on this point may be, the Sabha is convinced that unless this control is relaxed either by rules or by a change in the Act, so as to give the Government of India the largest measure of independence of the Secretary of State which is compatible with the discharge of his own duties, the extreme rigidity of this excessive control will, in actual practice in coming years, prove more and more an impediment to good administration."

You want the Government of India to be free from the control of the Secretary of State for India ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—Under section 19-A. ?

A.—Not necessarily under section 19-A but under every other section wherever the Government of India is controlled by the Secretary of State. Although here we are specifically referring to 19-A, so far as control is concerned it ought to be removed whether it is under section 19-A or any other section.

Q.—Now let us take those two subjects with reference to which you would not make the Government of India responsible to the Legislature, where you would still maintain the control of Government—that is to say, Defence and Foreign and Political relations. Now in regard to those two subjects, would you maintain the control which the Secretary of State at present exercises under the Act over the Governor-General in Council or would you make the exercise of that control also subject to—let it be a convention, let it be a rule, or let it be by an amendment of the Act—subject to this rule that where the Government of India and the Indian Legislature are in agreement, the Secretary of State shall not exercise his control ?

A.—With reference to these two subjects there is no question of convention ; there must be an unlimited and unrestricted responsibility to the Parliament, on this basis, there can be no question of agreement between the Government of India and the Indian Legislature.

Q.—You have not understood my question. With regard to all subjects other than Defence and Foreign and Political affairs you want to make the Government of India entirely responsible to the Legislature. Put that out of your mind. But with regard to Defence and Foreign and Political affairs you want the Government of India to continue to be responsible as at present. My question is this—with regard to these two matters would you maintain that extent of control over the Government of India given to the Secretary of State by the present Act, or would you relax that control in cases where the Executive Government and the Central Legislature are in agreement ?

A.—With reference to these two subjects I would not mind the same amount of rigid control if these two subjects are to be kept in the hands of the Governor General in Council. Let the control be as rigid as under the present Act—I wouldn't mind.

Q.—That is to say, even where the Government of India and the Central Legislature are in agreement in regard to any matter connected with these two subjects, you would still have no objection to the Secretary of State overruling the two ?

A.—Whenever they do agree, if they agree, it would be better if the Secretary of State does not interfere.

Q.—My question was would you relax the Secretary of State's control in these two subjects ?

A.—It would be better, certainly, if it is relaxed.

(*Mr. Jinnah*).—*Q.*—It is on the assumption that the Act is not to be amended, the constitution is not to be amended—on that assumption, would you, under section 19-A, rather have it as it is or have it that the control of the Secretary of State should be relaxed over the Government of India in such matters where the Government of India and the Legislature agree ?

A.—I would have it relaxed.

Q.—Well now, similarly in the case of provinces, are you in favour of relaxation of the Governor General in Council's control where the provincial Government and the provincial Legislature are in agreement ?

A.—Are you referring to any particular section of the Act ?

Q.—No, generally.

A.—Well if the local Legislature and the Executive agree, there should be no interference from the Government of India.

Q.—Kindly turn to paragraph 9 of your memorandum. There you say " The subject of ' Defence ' and ' political relations ' should, under the above proposals, remain in charge of the Governor General. But for purposes of the Budget, the expenditure under these two heads should remain entirely votable, subject, however, to a power to the Governor General to restore any grants pertaining to these subjects, that may have been refused by the Legislature." Well, a suggestion has been made that with regard to Defence a portion of the expenditure should be non-votable and a portion votable—that is to say, a minimum figure should be laid down, say 50 crores. Up to that 50 crores the expenditure would be non-votable, but any proposals involving expenditure over and above the sum of 50 crores should be votable by the Legislature. What do you think of that proposal ?

A.—An arbitrary figure of 50 crores would be one alternative. I would rather have some other method. Just as in the case of the Civil Departments there are certain recurring annual charges, so in the case of the Military Budget certain recurring charges should not be subject to vote. But any extraordinary expenditure, like the Waziristan expenditure, should necessarily come to the Assembly for vote, and the Governor General should not be in a position to spend like that.

(*Mr. Jinnah*).—*Q.*—How will that help ? Supposing the expenditure is already incurred on an expedition ; then comes the vote before the Legislature—what would be the effect of that vote ?

A.—As a matter of fact the Governor General has the ultimate power.

(*Mr. Jinnah*).—*Q.*—You don't follow my question. Try and follow the question before you answer it. You said that you would subject any extraordinary expenditure such as the Waziristan expenditure to the vote of the Legislature. Well, after the expenditure is incurred what would be the result or the effect of an adverse vote by the Legislature ?

A.—My object is that generally the amount should not be spent in anticipation. You are taking a contingency which I have not contemplated.

(*Maharaja of Burdwan*).—I do not see how the question can be solved in the way Mr. Kamat wants. There may be no legislative meeting for some time and the expedition may be absolutely necessary.

A.—Well in case of urgency, supposing an expedition comes all of a sudden.....

(*Maharaja of Burdwan*).—*Q.*—It does come all of a sudden generally ?

A.— Then the Governor General in Council should spend but still he should bring it before the Assembly at the earliest opportunity.

(*Mr. Jinnah*).—*Q.*—For what purpose ? The expenditure is already incurred. Just to give the Assembly the pleasure of discussing it ?

A.—As a matter of form and for *post-facto* sanction because it was a matter of emergency.

Q.—You advocate certain changes generally. Now your proposal no. 1 refers to the provisions of Part V of the Government of India Act—section 45 (1). It is that the powers of control of the Governor General in Council over Local Governments should be restricted for the purpose of safeguarding the interests of central subjects only,—that is to say, the power of control at present exercised under the Act by the Governor General in Council in subjects other than central subjects should be entirely removed. Is that the meaning of your proposal ?

A.—At present the distribution of legislative power between the Central Government and the Local Legislature is rather unfair.

Q.—I want to know the exact nature of your proposal. You would confine this control to central subjects only ?

A.—For instance, there may be two or three categories of subjects. There should be exclusive power with reference to central subjects with the Government of India, but with reference to other subjects which are not subject to legislation by the Indian Legislature, although there is a good deal of previous sanction necessary, the control should be removed.

Q.—Apart from what are central subjects strictly so called, would you remove the Governor General's control in matters pertaining to law and order in the provinces—absolutely remove his control ?

A.—Well, I would like to have a clear distribution between the central and local legislatures ; reserve certain things to the exclusive power of legislation of the Central Legislature and give if possible exclusive power to these local legislatures in certain other matters. Having done that, I wouldn't interfere.

Q.—That is the general principle which you would lay down. I am asking you in regard to a specific matter. Would you remove the control of the Governor General over the Provincial Governments in regard to matters pertaining to law and order in the provinces ?

A.—Once you assign subjects on the basis I suggest, there should not be any interference.

Q.—Pardon me, that is no answer to my question. My question is would you remove it in the case of law and order ?

A.—In the case of law and order it is to a certain extent necessary that the central government should have certain controlling powers.

(*Sir Henry Moncrieff-Smith*).—*Q.*—May I ask—do you think a clear-cut division of subjects possible ?

A.—If we follow the Canadian constitution, it is possible.

Q.—Your position in general really is that the control of the Governor General in Council in matters of purely internal provincial administration should be removed. Is that generally your position ?

A.—Not only in administrative but even in legislative matters.

Q.—I did not use the word administration in its technical sense.

A.—Quite right.

Q.—Well, in paragraph 13 (1) you say—" The composition of local legislatures as provided in section 72A may be retained as at present for some time but it should be provided that communal electorates would continue not beyond only a few years." Would you provide this by rule or

by independent agreement between the communities, or would you bring about this change hereafter whenever circumstances are favourable by mutual agreement of the communities ?

A.—It is very difficult to foresee the development of political feelings and the course of events, but if communal electorates are to be removed at any date it should be by mutual agreement when the feelings of the two communities are far better than they are at present.

Maharaja of Burdwan.—*Q.*—Mr. Kamat, you have practically replied to the two points I had in view in replying to Sir Muhammad, but I should just like you to amplify your answers a little more. If you will please look at your last page where you sum up in clause (1) you say—" In the provisions of Part V of the Government of India Act, section 45 (1), the powers of control of the Governor General in Council over Local Governments be restricted for the purposes of safeguarding the interests of central subjects only." I think you have indicated in some place what the central subjects should be. Have you not ?

A.—I don't think we have given an indication of what the central subjects should be.

Q.—Some witnesses before us have given an indication of what the central subjects should be, *viz.*, Defence of India, naval and military works, cantonments, external relations including naturalization of aliens, pilgrimages beyond India, relations with States in India and political charges. Would you consider that if any division were possible between provincial and central subjects, the central government should only control the subjects that I have mentioned in so far as they relate to the provinces ?

A.—You are speaking about legislative power ?

Q.—You say here that you want the Governor General's control over the Local Governments should be restricted.

A.—Yes.

Q.—What I said was, several witnesses have given us concrete proposals as to what should be the central subjects. Would you be willing to agree that, if some of these subjects had relation to provincial governments, the central government should control the provincial governments only to that extent and no other ?

A.—Once certain subjects are assigned to the provinces, there should be no interference from the central government.

Q.—What I said was that several witnesses have come before us and given us their idea as to what the central subjects should be, and I have given that list to you. If you agree that these are to be the central subjects, would you further agree that only in these matters the central government should interfere with the provincial governments and in no other matters ?

A.—That is exactly what I mean. They should interfere only in these matters and in no other.

Q.—You say that " section 46 (2) should be amended so as to restrict Governorships to men outside the Public services, preferably to men with Parliamentary experience in England." You belong to a Presidency where you have all along had men with Parliamentary experience from

England. Have you any experience of any province over which a Civil Servant has been Governor or Lieutenant Governor ? Have you any personal experience that because he was a Civil Service man, the province has suffered, or is it merely what you have heard ? What is your objection? Is it merely sentimental ?

A.—It is not a sentimental objection. It is in the new system. If responsible government is to be worked, the men who are to work it along with the Ministers should be, as far as possible, men who do not inherit any traditions, or who have no ideas about prestige or who have no bias.

Q.—You say you want men who do not inherit any tradition. You do not consider Parliamentary experience in England a tradition ?

A.—Certainly, it is a tradition of very good kind.

Q.—In other words, you do not want men who have inherited any tradition in India ?

A.—Men who inherit certain traditions peculiar to the Services and their superior.....

Q.—It comes to this, that you do not want any man who has inherited traditions in India to be at the head of a province.

A.—It comes to that. I want men with the best of traditions, I mean Parliamentary traditions.

Q.—You do not consider that the traditions inherited in India are the best of traditions for administration ?

A.—Not for the purposes of working responsibility with Ministers.

Q.—Please turn to paragraph 13. You say " The composition of local legislatures, as provided in Section 72A, may be retained as at present for some time, but it should be provided that the communal electorates would continue not beyond only a few years." I think in reply to Sir Muhammad Shafi you said that when communal representation goes, it should go by mutual agreement. Am I right ?

A.—Quite right.

Q.—Am I to understand from this that you are generally against communal representation ?

A.—In principle I think communal electorate is an evil. Perhaps it is a necessary evil in the present state of things in India.

Q.—Your inclination is for a mixed electorate rather than a communal electorate ? I am sure you do not want to deprive any community from getting a certain amount of representation, but you think that eventually, by mutual consent, it would be better to get these representatives through a mixed electorate rather than on a communal basis. Is that your opinion ?

A.—I expect—I hope a day may come when all communities are so far developed that they may themselves feel that communal electorate would be unnecessary.

Q.—The day will never come when you have got a council only of Muhammadans, or only of Hindus or only of Buddists or Jains, as India is constituted. You will always have to have these sects and castes. Therefore, whether you get Muhammadans in by communal representation or by a mixed electorate is a matter of opinion. What is your opinion ? Would you rather have these different classes represented by a mixed electorate or by the communal electorate which is popular in India at the present moment ?

A.—Well, in the case of Muhammadans, the communal electorate would be suitable; in the case of other communities a mixed electorate with reservation of seats is a good working arrangement.

Q.—That is, you prefer a mixed electorate with reservation of seats rather than communal representation ?

A.—With the exception of Muhammadans for the present.

Sir Henry Moncrieff Smith.—*Q.*—You told the Chairman just now that so far as your experience and your opinion went, matters had been delayed by constant and interminable references to the India Office ?

A.—Yes.

Q.—You say in the course of this para. " Constant and interminable references to the India Office in the matter of legislative measures of no importance are difficulties which impede the administrative machine." I think that the Committee would like to know what legislative measures of importance or of no importance were, as far as your opinion goes, impeded by references to the India Office.

A.—It is not possible.....

Q.—You are talking about legislative measures in the central Indian legislature.

A.—It is not possible for an outsider, even for a Member of the Assembly, to specifically say which particular piece of legislation was delayed, because the date when sanction was applied for and the date when sanction was received are not within the knowledge of the Member. But this statement is based on the fact—it is a well-known fact, I think—that no piece of legislation could be introduced in the Assembly without the previous sanction of the Secretary of State.

Q.—Where did you get that fact from ?

A.—I do not know that it is contradicted.

Q.—I entirely contradict it. It is an entire misrepresentation. I flatly contradict it.

A.—Do you mean to say that no previous sanction is necessary and that only the Secretary of State is simply informed of the proposed measure ?

Q.—In hardly any case is this previous sanction of the Secretary of State necessary. I say " hardly any case ", because there are certain classes of legislation requiring his previous approval but in the ordinary class of legislation, and particularly in legislative measures of no importance which are referred to in this paragraph, there is certainly no previous reference to the Secretary of State. However, I can give the Committee evidence on that point perhaps better than you will be able to ?

A.—Certainly.

Q.—Can you refer me now to any particular measure in your mind which in your opinion was probably delayed because of the necessity of reference to the Secretary of State ?

A.—Was not the Racial Distinctions Bill held up for some time over a particular clause because the Government of India wanted to ask the Secretary of State his sanction or his opinion about British subjects being sentenced ?

Q.—I do not want to go into details. I am just getting a list of the Bills. I have not got the papers with me here, but I can satisfy the Committee on this point of what delays have happened. The Racial Distinctions Bill is one in your mind. Did you refer to that as a legislative measure of no importance ?

A.—The instance which I gave was the one which struck me at the moment as the outstanding example. But what is referred to in this paragraph is perhaps not the Racial Distinctions Bill. You asked me for an instance and I mentioned the one which came to my mind at the moment.

Q.—Is there any other Bill, I put it to you, of importance or no importance, which in your opinion was delayed by this necessity of reference ? " Constant and interminable " are your words. I want, if I can, to be plain with you. I want you to admit that there is a considerable amount of exaggeration in this paragraph.

A.—Do you object to the word " interminable " ? Perhaps it is only a phrase not to be strictly construed.

Q.—We will cut it out entirely. What about " constant " ?

A.—Constant, of course—you now say that these measures are not referred to the Secretary of State. My own opinion was.....

Q.—Would it surprise you to hear that perhaps in some half a dozen cases legislative measures in the Indian Legislature were referred to the Secretary of State in the first three years of the reforms. It would surprise you ?

A.—Certainly.

Q.—Then you say in sub-paragraph (4) on page 3 : " This provision of the Act—you refer to section 67A—is framed and also interpreted in a way which shows an amount of distrust of the Legislature ". What exactly was in your mind or in the mind of your Sabha when they put in these words " and also interpreted " ?

A.—What the Sabha was referring to was perhaps the Resolution in the Assembly with reference to the interpretation of the last phrase in section 67A (3).

Q.—Whether the Governor General had power to direct that certain excluded items should be submitted to the vote or whether it was only a power to allow discussion ?

A.—No. What I had in my mind was whether in section 67A (3) the expression " unless the Governor General otherwise directs " applied to both the provisions—discussion as well as to vote—whether the Governor General had not discretionary power to put both before the Assembly.

Q.—That is purely a matter of legal interpretation ?

A.—I know. Subsequently, however, in order to set the doubt at rest, I think the Government of India obtained legal opinion from the Law Officers of the Crown.

Q.—Do you suggest that the legal opinion of the Law Officers of the Crown was tinged by political considerations ?

A.—I do not mean that. The Law Officers of the Crown may have given their opinion, but after all, such legal opinions are the opinions of single individuals, and if I might add a remark here, in another case I know that the legal opinion from the Law Officers of the Crown has not been treated by the Government of India with an amount of finality,

whereas in this case it has been said that it should be treated as final. The case I am referring to is the case of certain other words in section 96B—the interpretation of " existing or accruing rights ".

(*Mr. Chairman*).—*Q.*—How did you know of the opinion of the Law Officers of the Crown ?

A.—I am not talking of the opinion. I am talking of the fact that that opinion has not been treated as final whatever that opinion may be.

(*Mr. Chairman*).—*Q.*—How did you come to know of that opinion ?

A.—That was in the Lee Commission's Report.

Q.—What do you mean by saying " it compels the Assembly to utilise its voting powers arbitrarily ".

A.—What I am referring to is what happened in the first Assembly. The members, because they could not cut down certain non-votable items, arbitrarily cut down five per cent. all round in the case of all items. That is arbitrary.

Q.—Was that not an exhibition of irresponsibility on the part of the Assembly ?

A.—I do not consider that a piece of irresponsibility at all. They had no other course left open to them to bring the Government to the proper frame of mind.

(*Sir Sivaswami Aiyer*).—*Q.*—Justifiable irresponsibility ?

A.—That course of course was perfectly justified.

Q.—Was not that course much to the detriment of harmonious administration as you say ?

A.—It certainly disturbed harmonious relations.

Q.—Only it was justified ?

A.—It was justifiable for an ulterior purpose, and it had a very good effect in bringing the Inchcape Committee.

(*Sir Sivaswami Aiyer*).—*Q.*—In the Bombay Legislative Council a similar rough and ready expedient was adopted and that lead also to retrenchment ?

A.—Yes. It led to a retrenchment of something like 60 lakhs.

Q.—In paragraph 10 (3) you say, " The right of introducing private legislation in Provincial Councils has been affected by reason of the previous sanction of the Governor General being necessary under section 80A on the ground of the proposed private legislation affecting some of the subjects enumerated in sub-section (3) of section 80A " You refer there specifically to private legislation, but you will admit that the provisions of section 80A apply just as much to Government legislation as to private legislation.

A.—Certainly, I realise that and I have my objections to delays caused to both.

Q.—You make a specific suggestion in paragraph 12 (4). " Legislation on provincial subjects should be freed as much as possible from the present restrictions of previous sanction of the Governor General in Council being obtained." That is rather vague for our purpose. Cannot you give something really more definite ?

A.—Let me go at once to clause (*f*) where the chief mischief lies, that is, " regulating any provincial subject which has been declared by rules under this Act to be, either in whole or in part, subject to

legislation by the Indian Legislature, in respect of any matter to which such declaration applies."

Q.—And you say that the number of subjects which are classified as "subject to legislation" by the Central Legislature should be reduced to the minimum ?

A.—Yes.

Q.—Have you examined the Devolution Rules, and can you tell us, when you say that they should be reduced to the minimum, what subjects you would retain among the provincial subjects to be subject to legislation by the Indian Legislature ?

A.—The list of subjects "subject to legislation" by the Indian Legislature is such a long one.....

Q.—That is why I put the question that way, what subjects would you retain as subject to legislation by the Indian Legislature ?

A.—I will just give a concrete instance to illustrate what I mean. If you refer to rule 26, Part II, Provincial subjects,.....

(Mr. Chairman).—Q.—Would it not be more convenient if you would just put in a statement showing the subjects you would retain "subject to legislation" by the Indian Legislature ?

A.—I can give you a list. I will send one if you will allow me to. Meantime, to illustrate what I mean by a concrete instance which is perhaps well known to some members of this Committee, I think refer to a recent Bombay Bill. In industrial matters, settlement of labour disputes is a transferred provincial subject. The Bombay Government recently prepared a trade disputes Bill. For certain reasons which I do not quite know, although the Bombay Government after two years labour prepared a Bill, they were asked not to go on with it.

Q.—For certain reasons which you do not know ?

A.—I am not clearly in possession of the facts why this was held up, but the fact.....

Q.—The Governor stated the reasons in the Local Council ?

A.—Because the Government of India wanted to frame an all-India Bill—is that the reason ?

Q.—That the Government of India had a legislative proposal of its own in an advanced stage and they thought that it was better that legislation on those lines should be for the whole of India rather than that there should be divergent legislation in the provinces. That was the reason given in the Council.

A.—Very well ; my answer to that is that the provinces with reference to transferred subjects should be allowed to go on if they are ready with any particular piece of legislation and to develope on their own lines there is no reason why they should be held up because the Government of India are thinking of passing some all-India measure.

(Mr. Chairman).—Q.—Will you kindly supply that list ?

A.—Yes.

Sir Sivaswami Aiyer.—*Q.*—You were told that any constitution could be worked with good-will and mutual co-operation ?

A.—That is not what I said, I think.

Q.—You were told ?

A.—Yes.

Q.—You were also asked whether any constitution could be worked without good-will and co-operation ?

A.—Yes.

Q.—What is your answer to both those questions ? Does it follow that constitutions do not matter ?

A.—Constitution is the chief thing. But a constitution would be successful only if there is good-will and reasonableness on both sides. A bad constitution, whatever the amount of good-will, will never work.

Q.—Do you think that a constitution which is of a highly complex character and which depends upon a delicate system of checks and balances is a good constitution, or one which is meant to stand a certain amount of rough usage ?

A.—A constitution which has too many checks, safeguards and counter-safeguards, would not be a workable constitution.

Q.—It is liable to break down ?

A.—Yes.

Q.—Do you think that it is desirable not to depend too much upon such co-operation and good-will and adjustments ?

A.—I would rather take the other contingency. Even supposing there is no good-will a constitution should be framed to be workable and it should not depend only on good-will.

Q.—Perhaps in one respect the present constitution is a good one because it provides for such a large number of safeguards ?

A.—I do not know whether that is an advantage.

Q.—In paragraph 5 (2) you say, " It has been a noteworthy phenomenon, that the Government of India, although willing to meet the demands of the representatives of the people in a liberal spirit, were presumably pulled up by the Secretary of State ". Have you any specific cases in view ?

A.—One notable case that occurs to me now is perhaps the resolution in the first year of the first Assembly in September 1921, when on Mr. Mazumdar's resolution on Indian autonomy the Government of India through the then Home Member accepted to communicate to the Secretary of State a resolution on behalf of the Assembly that the then circumstances warranted a re-examination of the constitution. The second instance I have in view is about the agreement over the Esher Committee report resolutions moved by yourself and which were not objected to by the Government of India, and which were forwarded to the Secretary of State : in a good many matters in those resolutions, I think, the Secretary of State did not allow the Government of India to proceed according to their agreement with the legislature.

Q.—In paragraph 5 (3) you say, " The time has arrived to amend the Act in such a manner as to enable the Government of India to manage their own financial operations in England through the High Commissioner, and not necessarily through the Bank of England, subject, however, to such moneys as may be prescribed under any law to be reserved in the hands of the Secretary of State to meet his obligation in England." Do you think that the High Commissioner is a better machinery for transacting financial business than the Bank of England ? Or did you merely

intend to suggest that the Secretary of State's control should be minimised ?

A.—What the Sabha intends here is that financial operations in England should be through the High Commissioner and not through the Secretary of State. The Secretary of State should be divested of his powers to operate India's finances.

Q.—But you have no objection to the transactions being carried through with the help of the Bank of England, through the machinery of the Bank of England ?

A.—I do not object to the Bank of England if the High Commissioner chooses to place the money in the Bank of England. Now the restriction is that the whole of the money should be placed with the Bank of England, and that means that not even a single rupee could be transferred to any other Bank. I do not like that arrangement. If the High Commissioner thinks that the bulk of the money should be in the Bank of England, by all means let him do it. But if he wants to transfer a portion of the money to some other Bank, or to the branch of the Imperial Bank of India in England, he should be able to do it. It is an enabling thing that I want.

Q.—You do not think on the whole that the retention of the machinery of the Bank of England would be an advantage ?

A.—Certainly.

Q.—As it is the soundest financial concern ?

A.—You restrict under the present law operations only to the Bank of England ; every other bank is tabooed. I want an enabling section that if it is necessary and if it is considered desirable by the High Commissioner he may be in a position to transfer a portion of India's money to some other bank.

Q.—It is possible to invest money in something like the Alliance Bank of Simla. Is it not desirable to safeguard ?

(*Mr. Jinnah*).—*Q.*—Is it obligatory at present that the money should be invested in the Bank of England ?

A.—I think it is obligatory. It is in one of the sections of the Act, Mr. Jinnah.

May I just add one remark about your (Sir Sivaswamy Iyer's) question ? The Australian Commonwealth make their own arrangements in England to place their money in any bank they choose.

Sir Arthur Froom.—*Q.*—Mr. Kamat, I will leave it to my Honourable colleague to continue this question. But would you empower the High Commissioner to be the sole deciding person as to whether he should transfer any of the monies of India to any bank other than the Bank of England ? At present the High Commissioner is a man of considerable financial ability. You might have another High Commissioner who has not got the same financial ability. Would you entrust that power to one man to go and select any bank he likes ?

A.—Even the Secretary of State is not necessarily a financier.

Q.—I am speaking of the High Commissioner.

A.—My answer is that the Secretary of State is not necessarily a financier. He takes the advice of the Finance Department of the India Office. Similarly the High Commissioner, if he is not a great financier, can take the advice of the Finance Department of the India Office.

Q.—But then you give him the final decision. It might open up all sorts of avenues.

A.—If the Secretary of State who is not a financier can go wrong similarly the High Commissioner can go wrong. The judgment of one might go wrong as the judgment of the other.

Q.—Under the present Act you are safeguarding the monies of India. That is my point. Under the Act there is a safeguard for the monies of India. So long as England goes on the Bank of England will go on.

A.—I do not entirely prohibit the money being placed in the Bank of England. What I want is that if a portion of the money is to be transferred to some other bank, the High Commissioner should be enabled to do it. You are asking the question on the supposition that I am tabooing the Bank of England.

Q.—Are you aware that there is a rule, at any rate in the province from which both you and I come, that certain bodies, Municipal Bodies and Port Trusts, have got to bank with the Imperial Bank ?

A.—Yes.

Q.—They do not want to take any risk with their money ?

A.—All public bodies put their money in the Imperial Bank.

Q.—My idea is that it would be an extraordinary thing to give to one man the power of putting the monies of India in any bank ?

A.—I see no reason. After all it is only a question of giving some one man that power, in the one case it is the Secretary of State, and in the other it is the High Commissioner. After all, one man. Is that your point ? Is there any other point ?

Q.—My point is you propose to give power to one individual to go and invest the monies of this country in any bank he likes—the balances of this country that they hold in England ?

A.—No, not in *any* bank he likes.

Q.—Who is going to restrict him ?

A.—He will be guided by the Finance Department of the India Office.

Q.—I may come to you for advice. I am not necessarily going to take it. Here the man is controlled by the Act.

A.—Even the High Commissioner, who is after all an agent of the Government of India, will take the advice of the Government of India. After all he would not take action in an irresponsible manner.

Q.—I would rather restrict his action. That is all. I will leave that question. I would like to take you to paragraph 9, the subject of Defence and political relations. You propose that the expenditure in connection with these should be votable and at the same time you said you agreed that the Governor General should have the power of restoration. Is not that so ?

A.—Which paragraph are you referring to ?

Q.—Paragraph 9, page 4. You agree that the subject of Defence should be a reserved central subject, but at the same time you consider that the monies in connection with Defence should be votable by the Legislative Assembly.

A.—Quite so.

Q.—And then you go further and say that you think that the Governor General should have the power of restoration ?

A.—Yes.

Q.—Don't you think it may lead to unnecessary irritation ? I put it to you that it is much better to leave it non-votable than first of all give the Assembly power to vote and then placing the Governor General in a position of possibly being obliged to say " I will listen to you, but I am not going to pay attention to what you say."

A.—I think there is greater irritation if 50 or 60 crores are non-votable. If on the other hand the people's representatives are trusted to vote in the first instance, subject to this reserve power, I think there would be less irritation.

Q.—But you ask them to vote and say that at any rate their vote carried no weight. Don't you think that it might cause irritation ?

A.—I think people will exercise their vote with a certain amount of responsibility.

Q.—They have got no responsibility there, because the Governor General can restore it straightaway ?

A.—Only in case he considers that it is necessary for the safety or tranquillity of India.

Q.—But I put it to you that the application for the money would not come before the Legislative Assembly unless it was necessary in the Governor General's opinion ?

A.—No ; in the ordinary course it would under our proposals. Under our proposals it would.

Q.—We must agree to differ there. I think it would raise unnecessary irritation which I am anxious to avoid ?

A.—It is a matter of opinion. I think if people are trusted, there would be less irritation than otherwise.

Q.—You are not trusting because you give the power of restoration.

A.—People will realise that there is the ultimate power of restoration only if they behave in an irresponsible manner.

(*Sir Henry Moncrieff Smith*).—*Q.*—Can you say that the Legislative Assembly since its creation has never taken a certain line in regard to a certain piece of legislation with the object of forcing the Governor General to us his power of certification under the Act ?

A.—Not with the determined idea to force him, but the ultimate result has been that he was obliged to certify.

(*Sir Henry Moncrieff Smith*).—*Q.*—You do not think that there was all the time at the back of the minds of those who took that action any ideas that they were forcing the Governor General to use his purposes ?

A.—No ; not for that purpose.

Q.—Possibly not in the first Assembly ?

A.—I am referring to the first Assembly. I do not know anything about the second.

Q.—Your Society does not approve of the system of dualism. I am very glad to see your Society does not use the word dyarchy.

A.—We have particularly avoided it.

Q.—You do not approve of the system of dualism. You consider it to be a bad system ?

A.—Yes, quite so.

Q.—With regard to communal electorates, you also consider they are bad. I think you have told the Committee that you consider that communal representation is a necessary evil which must go on for some little time yet in view of the present conditions of India ?

A.—Yes. In principle it is a bad thing.

Q.—Probably you do not like communal representation, but you regard it as necessary in the present condition of the country ?

A.—As a necessary evil.

Q.—Don't you think, similarly that the system of dualism might be considered necessary under the present conditions ?

A.—Not necessary at all. Dualism is an unnatural system.

Q.—And communal representation might be regarded as unnatural ?

A.—Not necessarily. It is necessary I agree, but I do not think that it is an unnatural way of conducting an election in any country.

The witness was then asked to appear before the Committee on Monday the 25th August 1924.

25th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at 10-30 a.m., the Honourable Sir Mian Muhammad Shafi in the Chair.

Examination of Mr. B. S. Kamat—continued.

Mr. B. S. Kamat.—Before we proceed, Sir, with your permission, I should like to make one correction in the evidence I gave on Thursday last. It is with reference to the question of the votability or non-votability of the salaries of the High Court Judges. I stated on Thursday that they should be votable. I want to correct that statement and say that they should be non-votable, because the fact that the High Court Judges are appointed by His Majesty escaped my attention for the moment.

Dr. Paranjpye.—*Q.*—Mr. Kamat, you told us that you are representing the Deccan Sabha ?

A.—Yes.

Q.—For how long has the Deccan Sabha been in existence ?

A.—I think this Sabha is in existence since 1896.

Q.—Under what circumstances was it started ?

A.—There was a Sabha in Poona called the Sarvajanik Sabha, which was till then the people's political body. There were quarrels in this Sabha and a reactionary policy had come over the actions of certain members. In order to get away from that reactionary policy, I think it was the late Mr. Gokhale and the late Justice Ranade who started the present Sabha. It was under their inspiration that this body was started.

Q.—And it has been since its foundation recognized by Government ?

A.—I think it has been recognised by Government.

Q.—And it also receives literature from the various Governments and its memorials are considered by Government ?

A.—Yes.

Q.—You yourself personally are interested in industrial and trade affairs ?

A.—To a certain extent I am. At present I am concerned in promoting a certain industry.

(*Sir Muhammad Shafi*).—*Q.*—Dr. Paranjpye is also the Vice-President of this Society ?

A.—No. I think he has never been a Vice-President.

Dr. Paranjpye (*to Sir Muhammad Shafi*).—I was a Vice-President but I resigned, because the conditions of our College do not allow us to hold any office.

Q.—You are interested in industries ?

A.—Yes.

Q.—You do not think that the proposals that you make for provincial autonomy in the provinces and a great deal of responsibility in the Central Government will affect your personal interests. The point has been occasionally put to us that the people with a stake in the country are not always in favour of a great political reform. I suppose you do not entertain any apprehension on this matter ?

A.—I have not the slightest apprehension with reference to industries or with reference to any interests of landlords. I do not think that their interests would suffer if in the provinces there is full autonomy.

Q.—You were a member of the Bombay Legislative Council, I understand, for 8 years—from 1913 to 1920 ?

A.—I was a member of the Bombay Legislative Council from the end of 1912 to the end of 1920, till the old regimé of the Council expired.

Q.—You were a member of the Legislative Assembly in its first term ?

A.—Yes.

Q.—Will you kindly inform the Committee what were the special subjects on which the Legislative Assembly appeared to be keen during your membership ?

A.—During my time I think the Assembly concentrated during its first year on the further constitutional advance in the shape of Mr. Majumdar's resolution on Indian autonomy.

Q.—Can you tell us what was the attitude of Government on that point ?

A.—The attitude of Government then was, if I might so describe it, one of benevolent neutrality. At any rate, Sir William Vincent, who was then the Home Member, did not care to oppose forwarding the resolution to India Office. I think he agreed to communicate the desire of the Assembly for further constitutional advance to the Secretary of State, and a resolution was drafted saying, as far as I remember it now, that the circumstances warranted a re-examination of the constitution.

Q.—And the Legislative Assembly was, I believe, on the whole fairly well satisfied with this benevolent attitude of Government ?

A.—I think during the first year we were satisfied with the attitude of the Government Benches.

Q.—What happened on this question in the later years ?

A.—This question was communicated to the Secretary of State as far as we knew and after the lapse of a great deal of time a reply from Lord Peel was received. That reply was not satisfactory. I think Lord Peel's despatch pointed out that there were certain avenues under the present constitution which should be explored before any re-examination of the constitution could be undertaken by the India Office.

Q.—Was it the impression of the Members of the Assembly that this change in the attitude of the Government of India and the Secretary of State was due to a change in the personnel of the India Office ?

A.—I think most of the members thought that this change at the other end was due to the advent of Lord Peel at the India Office.

Q.—What were the other subjects in which the members of the Legislative Assembly were interested ?

A.—The other subjects on which an advance was pressed by the Assembly were the subjects of the Indianisation of the military and also the military expenditure, chiefly the resolutions on the Esher Committee's report which was moved by a distinguished member of the Assembly, I mean Sir Sivaswamy Iyer. These resolutions were very comprehensive and they pressed on the attention of Government the necessity of Indianisation, larger number of Commissions for the Indians, training facilities, establishment of Military training colleges there like Sandhurst military training college and so on.

Q.—And these resolutions were accepted by the Government of India ?

A.—These resolutions were agreed to. They were not opposed by Government.

Q.—They were not accepted by the Secretary of State ?

A.—I should not say that they were not accepted by the Secretary of State in their entirety, but in many respects they were not accepted.

Q.—And the irritation of the Assembly in the last year, for instance, was to a certain extent due to this downing of these resolutions ?

A.—That was one of the main causes of the irritation caused in the minds of the Assembly.

Q.—You certainly have, I suppose, some ideas about the continuance of such a state of things in the future. Here the Legislative Assembly and the Government of India were in practical agreement and the Secretary of State vetoed their resolutions. What do you propose for the future ?

A.—The temper of the Assembly was to apply all the methods under the Rules and the present constitution and to bring about, either at the budget time or at some other time such pressure as members were capable of.

Q.—Were there any other important questions—I am talking only of the main questions—in which the Assembly was interested ?

A.—The other question taken up by the Assembly was to try to liberalise the present constitution. For instance, a resolution was moved by a member, who is now a member of the Tariff Board, Mr. Ginwala, asking for the removal of the restrictions for votability and non-votability of Budget Grants. The fourth attempt was made by Dr. Gour to liberalise the constitution when he moved his resolution to have some rules framed either under section 19A or section 45A and perhaps section 129A. The attempt of Dr. Gour was to induce Government to explore such methods and such avenues for liberalising the constitution as Lord Peel had suggested in his despatch.

Q.—What was the fate of this resolution ?

A.—Even there the attitude taken by Sir Malcolm Hailey, who was then the Home Member, was that nothing substantial could be done as long as the interpretation of that section was that the responsibility of the Secretary of State can never be extinguished.

Q.—In short, the Legislative Assembly started with a very great amount of good-will and when it saw that under the constitution its good will led to no great practical effect, it began to be rather more critical in its attitude ?

A.—Certainly that was the case. It started with a good-will in 1921. In 1922 that good-will almost dwindled down. In 1923, chiefly owing to other causes which I have not so far mentioned, such as salt-tax and the restoration of certain grants, for instance, the grant asked for the Royal Commission on Public Services, that good-will practically disappeared and the Assembly and the Executive were almost at daggers drawn.

Q.—Passing to another point. You speak about a complete separation of provincial finance from the Government of India finance. Is it not so ?

A.—Yes ; so as to have financial autonomy for the provinces.

(*Sir Muhammad Shafi*).—*Q.*—You have just spoken of the vote for the Royal Commission being restored. Did you not as well as the other members of the Legislative Assembly understand that that vote would be restored for certain reasons ?

A.—Certainly we realised that it would be restored.

(*Mr. Jinnah*).—*Q.*—Do you think that it ought to have been restored ?

A.—We realised that it would be restored. If we had thought that the grant ought to be restored, we never would have opposed it. I said that we realised that it would be restored by the Government.

(*Mr. Jinnah*).—*Q.*—You know that nothwithstanding your opinion it would be restored ?

A.—Certainly.

Q.—You say that the provincial finance should be entirely separated from the Government of India finance ?

A.—Yes.

Q.—Are you aware that one of the reasons for this demand is that the Government of India does not allow any interests on the large provincial balances remaining with the provincial governments ?

A.—I believe that is correct.

Q.—Except on the famine balance ?

A.—Although I am not quite conversant with these financial details, that is the impression I have.

Q.—The Bombay Government, for instance, is required to keep a minimum balance of 33 lakhs. Its occasional balance is 4 or 5 crores. The Government of India borrows in the market at a certain amount of interest, but it does not allow the Government of Bombay any interest on the large balances which are with the Government of India. Is not that a fact ?

A.—That is a fact.

Q.—You also mention on page 5, sub-paragraph (3), that " the right of introducing private legislation in Provincial Councils has been affected by reason of previous sanction of the Governor General being necessary under Section 80A and so on." Have you any actual complaints to make about this private legislation ? Can you quote any instances where the introduction of private legislation has been interfered with by Government and unjustly in your opinion ?

A.—I can recall to mind one or two cases from the Bombay Legislative Council of private bills going up to the Government of India. But before I give the history of those two cases as far as I know that history, I think I must make it clear to the Committee that we are not basing our demand in this sub-para. merely on those two instances. We are basing it on general grounds which I shall state later on. The first instance I have in mind is that of a private Bill sent up by an M. L. C. from Poona. This happened, I think, in the year 1921 and the Bill was about the question of prohibition of liquor. The member who drafted that Bill is since dead and I have no means of verifying the grounds on which permission was refused to his Bill. But between 1921 and 1923 till he died I think that Bill did not see the light of day. For what reasons, I am unable to say.

The second instance I have in mind is the instance of a Bill prepared by another M. L. C. from Satara for the introduction in the Bombay Legislative Council during the first term of that Council. It was a Bill concerning certain charitable and religious endowments. It was prepared by him, I think, at the instance of the Bombay Government because in the course of the debate in the Council the Bombay Government had suggested to him to redress the grievance by a Bill. They suggested that the question should be tackled in the shape of a private Bill. That was why the Satara M. L. C. prepared the Bill and sent it up to the Government of Bombay. I do not think any further attempt has been made to introduce a Bill in the Bombay Council. These are the two instances that I can recall to mind.

Now, I wish to state my reasons why I say that the present procedure about the previous sanction of the Government of India should be simplified in order to give facilities to members to introduce Bills. In the first place, I think private Bills are more or less prejudiced, or are apt to be prejudiced in some cases, as the Governor General is apt to prejudge either the merits or the demerits of a private Bill by merely looking at the skeleton of it ; whereas if the procedure allowed is to wait till all the amendments to the Bill are threshed out in the Select Committee or if public opinion is elicited, he would be in a much better position to judge of the merits or the demerits or the justifiability of the Bill. And secondly I think this procedure of previous sanction of the Governor General is superfluous.

Q.—You think the power of veto will be quite enough ?

A.—Yes, as there are other checks as the Governor's assent and power to reserve a Bill also the Governor General's veto would be quite enough.

(*Mr. Jinnah*).—*Q.*—Would you do that with section 80A. ?

A.—No, it does not follow ; section 80A is concerned with so many other things.

Q.—What Bills do you suggest the previous sanction of the Governor General should be required for ?

(*Sir Muhammad Shafi*).—*Q.*—Supposing a private Bill trenches on a central subject, would you allow that to be introduced in the Provincial Council without the previous sanction of the Governor General ?

A.—Certainly not, but what I say is the present rule should be revised so as to allow the Government of India to safeguard their interests so far as trenching on central subjects is concerned by some other method.

(*Mr. Jinnah*).—*Q.*—Look at section 80A. What are the matters in which the previous sanction of the Governor General should be done away with, have you considered it ?

A.—I have considered it, at least sub-clause (*f*). Section 80A concerns various things, and I have in my mind certain subjects which are marked as "subject to legislation" by the Indian legislature, that is to say subjects in which both the provincial government and the central government have concurrent powers. Now wherever there are these concurrent powers, a Member wishing to introduce legislation has to come up for previous sanction to the Government of India.

(*Sir Muhammad Shafi*).—*Q.*—Mr. Jinnah's question was, in what respects is it your opinion that the previous sanction of the Governor General should not be required ? Look at section 80A, it says in such and such cases, the cases are specified in the section itself, no legislation shall be introduced in a Provincial Council without the previous sanction of the Governor General. The question put to you is in connection with which of these points would you desire that the sanction of the Governor General should not be required ?

(*Sir Henry Moncrieff Smith*).—*Q.*—Did not Mr. Kamat promise to put in a list ?

(*Mr. Jinnah*).—*Q.*—That was in connection with central and provincial subjects.

(*Sir Henry Moncrieff Smith*).—*Q.*—I thought it embraced this too ?

A.—It is practically the same point ; here previous sanction is necessary for all subjects under clause (*f*). Then again under Rule 27, Schedule III, of the Devolution Rules, certain subjects are marked as subject to legislation by the Indian legislatures. Now take as a concrete case, any of those subjects and then apply my objection to that, and you will be able to realise what I say.

(*Mr. Jinnah*).—*Q.*—That is to say, the Governor General should not interfere in those subjects which are provincial subjects in matters of legislation, that is to say previous sanction should not be asked for ?

A.—Not in all provincial subjects.

(*Mr. Jinnah*).—*Q.*—Then in what provincial subjects ?

A.—You have demarcated a certain category as provincial transferred subjects, but still they are subject to legislation by the Indian legislature. I give a concrete case and then I shall explain my position. In that category comes, for instance, labour welfare ; that is a subject with reference to industries according to the Devolution Rules. Suppose I, as a Member of the Bombay Council, wish to introduce a private Bill about labour welfare, under section 80A (*f*), previous sanction of the Governor General would be necessary, whereas I contend that, as that is a provincial subject, no previous sanction should be necessary, some other procedure should be devised.

(*Mr. Jinnah*).—*Q.*—Well, I take it you object to the previous sanction with regard to those subjects which are transferred subjects ?

A.—It does not come to that, not necessarily all transferred subjects. You have marked certain transferred subjects as "subject to legislation by" the Indian legislature ; there the difficulty comes in.

Q.—But at any rate in regard to private legislation, you consider the sanction of the Government of India is not absolutely necessary except when the case is absolutely clear that it is not really a subject for provincial legislation ?

A.—Yes, the necessity for previous sanction should be done away with and a veto afterwards may suffice.

(*Sir Henry Moncrieff Smith*).—*Q.*—May I ask who is to decide whether the case is absolutely clear that it is one for provincial legislation ? Would you desire that some such words as " absolutely clear " should be introduced in the rules ?

A.—I am not quite sure whether I could suggest a remedy on the spur of the moment, but I can suggest one thing, subject to correction. If the Government of India empower an officer in the Legislative Department of the Local Government with full instructions to him on what lines he is to examine private Bills, possibly matters would be facilitated.

(*Mr. Jinnah*).—*Q.*—With regard to whether it trenches on a central subject or not ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—Would it not be better to have a private tribunal in case of disappointment, to decide whether it trenches on a central subject or not ?

A.—If they had it, so much the better.

Q.—The preliminary examination as to the class in which such legislation would come might perhaps be left to the President of the Council to do ? He might decide *prima facie* whether a Bill comes within the Government of India's powers or the Local Government's powers ?

A.—If the President of the Council happens to be a lawyer, he could possibly do it safely from the point of view of the Government of India. If he happens not to be a lawyer, it might lead to some complications.

(*Sir Muhammad Shafi*).—*Q.*—Then your suggestion is not that section 80A, sub-section (3) relating to previous sanction should be altogether done away with, but that previous sanction should not be required in purely provincial subjects ?

A.—Yes, in certain subjects marked as " subject to legislation " by Indian legislature.

Q.—Passing to another point. You are from the Deccan, where the Brahmin, non-Brahmin question is fairly prominent ; not so prominent as in Madras, but fairly prominent, and we have had several witnesses giving their opinion on this matter of communal representation. What is your opinion on that question ?

A.—In the Deccan the question of communal representation is acute only between the Mahrattas and the Brahmins.

Q.—You yourself belong to what community ?

A.—I belong to the Saraswat Brahmin community, not to what is called here the " Poona " Brahmin community.

Q.—What is the position about communal representation ?

A.—At present the position is that the Mahrattas have certain seats reserved for them in a mixed electorate, I think seven in the Deccan. Experience has shown that there has been a tremendous awakening among the non-Brahmin Mahrattas during the last four or five years, either by newspapers started by them or propaganda, meetings, etc., financed by

wealthy persons in the Mahratta community. As a result of that awakening I think they are now, looking to the result of the last two elections, fairly able to stand on their own legs and secure an adequate number of seats for their own community. Instead of seven seats, *e.g.*, at the last election they secured 11 or 12. One nominated member in the Bombay Council is also a Mahratta representing the labour interest. Taking that seat, they have got more than 11 seats, and I do not think therefore that they have any grounds to be dissatisfied with the position. If at all it is the Brahmins who are now suffering because in a mixed electorate, if there are, say, seats for a District, there is one seat reserved for the Mahratta and even for the other seat Mahratta candidates stand, and as they are in the large majority in villages, they capture even the second seat and deprive the Brahmin community of chance for the other seat ?

Q.—Do you propose any special safeguard for the depressed classes ?

A.—In the matter of their election ?

Q.—They have at present, as you know, one nominated seat ?

A.—So far they are dependent on nomination only. If there is a mixed electorate, and if the principle of reserving seats is to be continued for a certain number of years, I think it would be better to give them, instead of nomination, a chance to come in by reserved seats.

(*Sir Sivaswami Aiyer*).—*Q.*—How many of them do you think would be qualified to exercise the franchise ?

A.—It is very difficult to say, unless a beginning is made. Franchise itself is education ; let them begin to exercise the franchise.

Q.—What is the attitude of the educated classes as a whole towards the depressed classes ?

A.—The attitude of the educated classes in the Deccan, right from Brahmins down to all other backward communities has been latterly one of extreme sympathy, with a genuine desire to bring up the depressed classes.

(*Sir Muhammad Shafi*).—*Q.*—I suppose these depressed classes are spread all over the Presidency, some here, some there and some elsewhere ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—How would you constitute one single electorate for all of them, spread as they are all over the Province ?

A.—I believe in the Deccan there is hardly a village where there are not now Mahara, Chamars, etc. It is not that only one area in the Deccan is confined to these people.

(*Sir Muhammad Shafi*).—*Q.*—How would you constitute a single electorate for all the depressed classes in those circumstances ?

A.—It is possible to group two or three districts into a constituency for the people. It is only a matter of devising the machinery, but I do not think it is impossible to devise it.

Q.—Take for example the Poona District, one-fifth of the population are depressed classes ? Poona District has two seats ; you would not obviously reserve one seat for 20 per cent. of the depressed classes ? You would have to have special constituencies for the depressed classes consisting of three or four districts ?

A.—That is what I meant by means of a grouping system of districts, and say for the four districts round Poona to keep one seat reserved for them, or something like that.

Q.—What would you say to this, while allowing the depressed classes to participate in the general elections, to give them another vote for special constituencies made up of depressed classes ?

A.—I have not thought out exactly how that would work, but it seems feasible.

Q.—You have been a public man, taking an interest in public affairs very long, do you think the small recommendations which this Committee is authorised to make by means of alterations in the rules under the Government of India Act, or slight modifications in that Act itself, without changing its structure, policy and scope, do you think that would meet the present situation in the country ?

A.—Personally I think, if the recommendations of this Committee fall below the expectations of the reasonably minded public, there is bound to be a terrific discontent in the country.

Mr. Jinnah.—*Q.*—Mr. Kamat, you were a nominated member of the Bombay Council at one time ?

A.—Twice.

Q.—You were nominated both times ?

A.—Throughout my career in the Bombay Council I was a nominated member.

Q.—That was under the Minto-Morley Reforms ?

A.—Yes.

Q.—You were nominated by Government to the local Council under the Minto-Morley Reforms ?

A.—Quite so.

Q.—You command the respect and confidence of the Government of Bombay ? I mean they look upon you as a representative of the people ?

A.—I presume so.

Q.—Otherwise they would not have nominated you ?

A.—Yes.

Q.—And you belong, I take it—correct me if I am wrong—you belong to a sober political school ?

A.—If you give me the correct label of the political school, I shall know whether I understand you.

Q.—I mean you belong to a sober responsible political section of the country ?

A.—I think I decidedly do.

Q.—You are not a reckless politician nor are you an extremist ?

A.—I have never been one.

Q.—And you are not a lawyer—you are a businessman ?

A.—Fortunately I am not a lawyer.

Q.—And you have a big stake both in Poona and in the Bombay Presidency ?

A.—Quite so.

Q.—Therefore I take it that you belong to a conservative school of politics ?

A.—In one sense of the term, I do.

Q.—In what other sense do you belong to the radical section ? All I mean is you are not in favour of any change which is likely to create chaos. You would not endorse any constitution or any change which is likely to create chaos ?

A.—Certainly I would advocate change which is safe and steady for the country, but if you say I am a conservative in other respects, of course I am not, I am a progressive.

Q.—No, I didn't mean that. I mean you will not put forward any proposals before this Committee which would bring about chaos ?

A.—Not in the least, because I have the greatest amount at stake in every respect.

Q.—Now, Mr. Kamat, after the Government of India Act of 1919 you sought election to the Assembly ?

A.—Yes.

Q.—And you also contested the last election ?

A.—I did.

Q.—So you contested these two elections, and I suppose you came in contact with your voters ?

A.—Quite so.

Q.—Now I want to know from you, in your opinion is the electorate that you moved twice, once successfully and last time I think you failed—is that electorate an intelligent electorate ?

A.—The broad issues before the country are understood by the electorate exceedingly well.

Q.—Then you would call it an intelligent electorate in that way ; it will be able to discriminate between important and big issues—broad issues ?

A.—That has been my experience.

Q.—And it is capable of returning competent representatives ?

A.—The word ' competent '.....

Q.—Very well I will say capable ; I stand corrected.

A.—Yes.

Q.—Now will you look at page 2 of your memorandum, paragraph 5, sub-paragraph (I). This is what you say there :—

> " The Council of the Sabha desire to point out that the fundamental defect, inherent in the working of the Government of India Act, as seen in actual practice almost at every step, during the last three or four years, is the anomalous position of the Executive, which is responsible to Parliament

through the Secretary of State, but which is faced with a non-official elected majority of five-sevenths in the Legislative Assembly and two-thirds of elected members in the Council of State."

I want you to explain what you mean exactly by this ?

A.—Well, here the Sabha is putting its finger on what it considers to be a fundamental structural defect in the constitution as it stands now and the defect is—here is an executive which is always in the minority and is faced, under the Statute itself, with a large majority in the Assembly of elected members. Such a position, in the opinion of the Sabha, is not only a constitutional anomaly compared with the constitutions of other countries, but for administrative purposes it is an impossible position.

Q.—You mean impossible to work ?

A.—Impossible to work.

Q.—That is to say, Government supported by a minority, irremoveable, and faced with a majority of elected members in the Legislative Assembly ?

A.—Quite so ; and we are fortified in this position by the quotation we have given in our Memorandum in some place from the Montagu-Chelmsford Report itself. That Report also mentions in some place that where there is an irremoveable executive faced with an elected majority, you must either go back to autocracy or administration would be impossible in spite of all the goodwill of which we have been hearing ; because, goodwill is after all the grease, not the machinery itself.

Q.—Sometimes a sound machine, a sound constitution, produces better goodwill—doesn't it ?

A.—I cannot imagine it unless you give me a concrete case.

Q.—For instance, if you know you are likely to go to jail for 7 years if you commit theft, you would not commit theft ?

A.—No.

Q.—You would hesitate ?

A.—Certainly.

Q.—Do you understand it now or not ?

A.—Yes, I see your point.

Q.—A sound constitution is likely to produce better goodwill. If the constitution is bad it leaves itself open to human nature and to human imperfections to take advantage of it ?

A.—Yes it gives play to all the bad feelings of human nature.

Q.—You understand that. (Now let us get to the second point. In your paragraph 5 sub-paragraph (2) you discuss section 19A. Have you considered section 131 of the Act ?

A.—I think I have looked at it, if you mean the Saving clause section.

Q.—Do you think that is a difficulty in the way ? I don't want your opinion unless you have considered it.

A.—I have considered that—" Nothing in this Act shall derogate from any powers of the Secretary of State in relation to the Government of India."

Q.—If you have not considered that point, I do not want to trouble you ?

A.—So far as a layman can do so, I have considered it. I think it will stand in the way. As long as section 131 stands it will be impossible, I think, to extinguish the responsibility which vests in the Secretary of State. Even apart from that, even if you look into the intentions of the Montagu-Chelmsford Report on the scheme, or if you look at the despatch of the Government of India, dated 5th March 1919, I believe the conclusion is irresistible that the responsibility vested in the Secretary of State can in no circumstances be extinguished. If you want, I can quote those passages. Paragraph 292 of the Montagu-Chelmsford Report makes it perfectly clear—the last few lines of it—

> " We hope therefore that Parliament will "—the paragraph is about reserved subjects—" that Parliament will assent to facilitate the working of our reforms by a provision authorising the Secretary of State, by rules to be laid before Parliament, to divest himself of control over the Government of India in some specified matters even although these continue to be the concern of the official Government and to empower the Government to do likewise in relation to Provincial Governments" —and mark the last sentence—" On large matters of policy in regard to reserved subjects there can, of course, be no question of such delegation."

Q.—Therefore what was really contemplated under section 19A was that the relaxation of control or devolution of power could only be in small matters of detail. That was contemplated.

A.—That was not only contemplated by the Report but I go further and say that that was the position accepted by the Government of India in 1919. If members of the Committee will turn to page 52 of the Government of India despatch to the Secretary of State on the Reforms....

Q.—I do not want you to go into details, but that is your view.

A.—I say that was precisely the view of the Government of India. There they say it is both possible and highly expedient to have this delegation only in small matters.

(*Sir Muhammad Shafi*).—*Q.*—Have you made any special study of constitutional law or constitutional history ?

A.—I think I have said more than once that I am only a layman, but I think I am entitled to utilise the literature about the Reforms for the purposes of my argument.

Q.—It would be left to the Law Member to solve knotty points. Well, we now get on to sub-paragraph (3) of your paragraph 5.—" A third and by no means less embarrassing drawback inherent in the Act is the far too tight a grip of the Secretary of State under his statutory powers over the handling of the revenues of India in the United Kingdom." Now I think it was Sir Arthur Froom who asked you the question. He said would you permit the High Commissioner under the authority of the Government of India to put a large amount of money in any Bank or investment such as he thinks proper ; and you said yes.

A.—I did not say in any bank.

Q.—Well, you said in the Bank of England or any other bank ?

A.—The Bank of England or, for instance, I mentioned the Imperial Bank of India. I see you are referring however to the point raised by Sir Arthur Froom ?

Q.—Yes. I want you to explain what you mean by sub-paragraph (3) where you say—" In the opinion of the Sabha, the time has arrived to amend the Act in such a manner as to enable the Government of India to manage their own financial operations in England." What do you mean exactly by these words ? What is the difficulty or the defect which you seek to correct ?

A.—Well, the purpose I have in view is that the monies of India should not be utilised only in England but may safely be diverted to India, such as the Gold Standard Reserve and monies of that sort ; and the amendments which I wish this Committee to consider in order to enable my object to be achieved would be, for instance, an amendment of section 23 of the Government of India Act, which specifically lays down that all such revenues and monies shall be paid in the Bank of England to the credit of the Secretary of State.

Q.—Let us stop there a minute. When you say that the revenues of India are paid into the Bank of England, do you first of all know whether the Bank of England pays any interest on that ?

A.—I do not know and that does not affect my present argument. What I contend is here only one Bank is laid down. I want a further amendment so as the section to read " either the Bank of England, *or the Imperial Bank of India.*" That is all I want.

Q.—How will that help you whether there is one bank or two banks ?

A.—It will help me in this way. If you take my second amendment in conjunction....

Q.—What is the object ?

(*Sir Sivaswami Aiyer*).—*Q.*—You mean the Imperial Bank of India in London ?

A.—In London or in India as well. When I say Imperial Bank of India, it means all branches.

Q.—What is its object ?

A.—It will help, I think, at any rate in this way. If all the monies which are now lying in the Bank of England could be distributed over two banks, that is, over the India's official Bank and the Bank of England, probably the condition of India's trade and finance will be better.

(*Sir Muhammad Shafi*).—*Q.*—You don't contemplate the deposit in any other bank than the Imperial Bank of India and the Bank of England, do you ?

(*Dr. Paranjpye*).—*Q.*—In any other non-official or private bank ?

A.—I would not complicate matters by allowing any non-official bank, oh, no.

Q.—Do you mean to say that in London, the Secretary of State instead of putting all the monies in the Bank of England, should put a portion in the Bank of England and a portion in the Imperial Bank of India Branch ?

A.—I mean into the official bank of the Government of India, namely, the Imperial Bank of India.

Q.—In its London Branch ?

A.—In its London Branch. But I am not confining only to the London Branch. I would amend by saying simply " Imperial Bank of India." That would enable the High Commissioner to place the money either in the London Branch or in the Indian Branches. I do not confine myself to London.

Q.—I understand your first point. Your first point is that a lot of money is now kept in the Bank of England which need not be kept in England at all ?

A.—Yes.

(At this stage, the Hon'ble Sir Alexander Muddiman took the Chair.)

Q.—You mean that it is unnecessary to keep all that money in England ?

A.—Yes.

Q.—And that a portion should be sent to India

A.—Certainly.

Q.—You know that all the moneys that are invested in the Bank of England by the Secretary of State for India carry no interest ?

A.—Yes.

Q.—They carry no interest ?

A.—That is my impression. I have no official information.

Q.—Do you know what the practice is as to how that money is utilised ?

A.—I know.

Q.—What is the practice ?

A.—That money is given out either on short deposits or otherwise at a small rate of interest according to the Secretary of State's orders. I think that in the last year's Assembly that question has been answered that the money remaining in England is utilised on short deposits earning about 2 per cent. interest.

Q.—Whereas the Government of India raise loans in this country at 5 to 6 per cent. interest ?

A.—Yes. That is exactly my object and the purpose I have in view. If that money is earning a very small rate of interest in England owing to the short deposit system I think India suffers. It is not possible under the Act to bring a portion of that money to India. But if the Act is amended I think, compatibly with safety, that money could be utilised for financing trade in India.

(*Sir Arthur Froom*).—*Q.*—You are aware that various bodies in India like Municipalities and Port Trusts are bound to keep their balances with the Imperial Bank of India ?

A.—I know that.

(*Sir Arthur Froom*).—*Q.*—You equally know that the Imperial Bank of India allow no interest on those accounts ?

A.—That is so. But the Imperial Bank which is full of money can give loans to merchants. That is the gain to the country.

(*Sir Arthur Froom*).—*Q.*—My question was, do you know that the Imperial Bank of India allow no interest on the monies placed with them by various bodies like the Municipalities and Port Trusts ?

A.—I think so. That is correct.

Q.—Do you know whether the Municipality employs a broker and keeps a financial adviser who directs the Imperial Bank to invest the monies deposited by the Municipality ?

A.—Are you referring to District Municipalities or the Corporation ?

Q.—Sir Arthur Froom put to you the question whether you know that the Municipalities are obliged to keep certain of their money in the Imperial Bank of India and the Imperial Bank allows no interest and you said " yes ". I want to know this. Do you know whether the Municipality has got a financial adviser and a standing broker to advise the Imperial Bank as to whom loans should be given out of their money ?

A.—Quite so.

Q.—You know that there is such a thing in India ?

A.—I am not quite sure about your Bombay Corporation. So far as the District Municipalities are concerned....

(*Sir Sivaswamy Aiyer*).—*Q.*—Assuming for the moment that I am disposed to agree with you as to the desirability of keeping some portion of the balances in India. Take the case of the balances kept in England. Is there any advantage in having our treasury balances in England kept in two banks instead of one ?

A.—I think there is a distinct advantage if the money is split up, that is, if it is partly kept in England and partly in India.

(*Sir Sivaswamy Aiyer*).—*Q.*—I am not talking of the Indian portion at all. Leave that alone for the moment. That is a separate question. As to the portion to be invested in England is there any advantage in having the money in two banks instead of in one ?

A.—No . In that case, there would not be. Of course, I would concentrate all the money to be left in England into one Bank only.

(*Sir Sivaswanmy Aiyer*).—*Q.*—What you were thinking of was probably that a larger portion should be retained in India ?

A.—That is right.

(*Sir Sivaswamy Aiyer*).—*Q.*—For utilisation here for the benefit of trade and commerce ?

A.—Yes.

(*Sir Sivaswamy Aiyer*).—*Q.*—If there is to be only one Bank in England where the monies could be deposited or invested, don't you think that the Bank of England would be the best institution ?

A.—Decidedly. I don't question that.

Q.—Let us now get to the next point ?

A.—Will you allow me to add one remark here before we dispose of this High Commissioner business ? I think a question was raised the other day whether there was statutory power for the High Commissioner to operate in London. My answer to that is, this. If there is no statutory power at present, it would be desirable in the interests of India if this Committee can make a recommendation that in section 29A regarding the High Commissioner, statutory power may be granted to the High Commissioner by a slight amendment of the section. This section at present

reads :—" And the order (of His Majesty in Council) may further provide for delegating to the High Commissioner any of the powers previously exercised by the Secretary of State or the Secretary of State in Council, whether under this Act or otherwise, in relation to making contracts." That is to say, he has already power on behalf of the Secretary of State to make contracts. That power should be further amplified, by an amendment of this section so as to say that he should have the power to make contracts and also to make financial operations for the Government of India under the guidance of the Finance Member of the Government of India.

(*Sir Muhammad Shafi*).—*Q.*—Is it at all necessary to amend the Act ? These two words—" powers and duties "—cover what you contemplate ?

A.—So much the better. I say in answer to those who raise the difficulty that if there is no power he should be given the power by an amendment of this kind.. If there is the power, so much the better.

Q.—The High Commissioner is after all under the Secretary of State for India ?

A.—I think he is directly under the Government of India.

Q.—The Government of India Act says that he is directly under the orders of the Government of India ?

A.—But my point is that he is directly under the Government of India.

Q.—If Hon'ble Members will only know how the High Commissioner is appointed—I have got here Appendix D Order in Council for the appointment of the High Commissioner for India, and that Order is as follows :—" He is under the control and supervision of the Secretary of State for India."

(*Mr. Chairman*).—But not by statutory provision.

Q.—This is under the Act. This is an Order in Council.

(*Mr. Chairman*).—Another Order in Council can be made ?

Q.—Even then, the same question will arise whether the Secretary of State for India could divest himself of his powers. It will be a delegation. It cannot be anything more ?

A.—I am not entitled to go into that technical legal point.

Q.—But the Hon'ble the Law Member wants you to go into it.

(The Chairman intimated to Mr. Jinnah that the point could be discussed by the Committee afterwards).

Q.—You say in sub-paragraph (4) : " The section (Section 67A) should be made clear, non-votable items of the Budget should be clearly defined and their category cut down to the lowest limits." Do you know what is the total annual revenue of the Government of India roughly ?

A.—Speaking from memory, I think in the first year of the first Assembly, 1921, the revenue of the Government of India was about 129 crores.

(At this stage Sir Muhammad Shafi took the Chair.)

Q.—Do you know the amount that is votable by the Legislature ?

A.—It is difficult to compute exactly....

Q.—Give me roughly. I do not want exactly.

A.—Roughly, I can tell you that nearly 50 per cent. is non-votable owing to the military and excluding the Services, I think about 35 crores remains as votable. I am speaking from memory.

Q.—Out of 129 crores of revenue, 35 crores is votable, roughly ?

A.—Yes.

Q.—Is that what you mean by this sub-paragraph " that the section should be made clearer, etc." ?

A.—That is *one* of the objects. I can also give figures if you want about the Bombay Council.

Q.—I do not want figures. There is one more point about the central government. The demands in the votable portion of the Budget could be either reduced or rejected ?

A.—Yes.

Q.—And if it is reduced or rejected by the Legislature, the Viceroy can restore it ? He has got the power to do so ?

A.—Yes, under certain circumstances.

Q.—If he thinks that it is essential for the discharge of his responsibility ?

A.—Yes.

Q.—67A (7) ?

A.—That is right.

Q.—That is with reference to the rejection or reduction of any demand for grant ?

A.—Yes.

Q.—Then, with regard to Bills you say that the Governor General should not be allowed to satisfy himself under the term ' interest ' ?

A.—Quite so.

Q.—Would you take it away altogether ?

A.—I would take away that word ' interest ' altogether unless somebody can suggest a good substitute.

Q.—You cannot suggest one ?

A.—No.

Q.—That word gives it the widest scope ?

A.—That is the sting of the objection.

Sir Sivaswamy Aiyer.—*Q.*—I should like to put to you a few questions about the subject of franchise in the Bombay Presidency. What is the qualification for the franchise in Bombay for the Provincial Legislative Council ?

A.—It depends on the amount of house rent in Bombay city and municipal areas.

Q.—In the mofussil what is it ?

A.—In the mofussil in urban areas it is also house-rent or income-tax payments, and in the rural areas so much of land revenue assessment.

Q.—What is the amount of rent or land revenue which is prescribed as the qualification for an elector ?

A.—I think in the district towns it is about Rs. 3 house-rent—Rs. 10 in Bombay and Rs. 3 in the mofussil, per mensem.

(*Dr. Paranjpye*).—Rs. 6 in Karachi.

Q.—And what is the amount of land revenue ?

A.—It varies from district to district. I think it is Rs. 48 in the richer districts, and in the poorer districts like Ratnagiri it is about Rs. 16.

Q.—Do you wish to reduce the franchise, the lowest limit of franchise, or do you wish to keep it as it is ?

A.—For some years if it is kept as it is I would not mind, although if somebody wants to enfranchise still further or broaden it, I would not object.

Q.—You say the franchise is Rs. 3 a month house rent or Rs. 16 land revenue per annum. Do you think that unless you reduce the franchise it will be possible to bring on the depressed classes to the franchise ?

A.—In order to bring on the depressed classes, an entirely low franchise should be fixed up. They are extremely poor people. In fact, this principle of differentiation in the assessment limit from district to district may be still further extended if the depressed classes are to be enfranchised by saying in their case that house rent of Re. 1 or land assessment of Rs. 5 would be enough.

Q.—You want to reduce the franchise very much below the present limits, so as to bring on the depressed classes ?

A.—In order to bring on the depressed classes I would lower the franchise for the depressed classes only, and not the general franchise.

Q.—The point I wish to put to you is this. You have suggested a method of election for securing the representation of the depressed classes. What I wish to know is whether it would be possible, by any reduction of franchise, to bring the depressed classes on to the voter's lists, and if it is not, is it not necessary to retain the system of nomination ?

A.—Personally, I think that by specially low franchise and the grouping of districts it is possible to bring the depressed classes automatically to win seats—I mean to give them reserved seats. But if it is found impossible in certain very poor districts to do then I would not mind continuing the nomination system. But personally I would not like the nomination system, because I think it is feasible to devise a very low franchise and a grouping of districts for them.

Q.—Then would you have a low franchise and a common electorate, or a separate electorate for the depressed classes ?

A.—Yes, if there is reservation of seats for them in a mixed electorate, with specially low qualification.

Q.—You want a common electorate, special franchise, and reserved seats ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—What is the difference between a seat reserved and a separate electorate ? I would like that for my own information.

A.—If there is a mixed electorate with reservation of seats, among the electors there may be Mahrattas, Chamars, and Brahmins and that sort of thing. But so long as out of, say, 3 seats, one seat is reserved for the depressed classes candidates, one for Mahrattas, each of these will come in, although he may secure a small number of votes compared with the other candidates.

Q.—So you would have a common electorate, special franchise.....

A.—I say, a specially low franchise.

Q.—But do you think it right that while you have a specially low franchise for the depressed classes you should not lower the franchise for the other classes ? Why should you retain the franchise at a higher level for the other classes and at a lower level for the depressed classes ?

A.—The lowering of the franchise for all the general classes is a question of larger policy. It is a question of broadening the electorate.

Q.—But if that principle of broadening the electorate is to be worked by lowering the franchise for the benefit of the depressed classes, why should not the same principle be applied for the purpose of broadening the electorate among the other classes ?

A.—The object is to admit the depressed classes at present, not on sufferance as by nomination, but by a little protection given to them until we broaden the electorate on general grounds when the due time comes.

Q.—What is the object of prescribing any qualification at all ? To ensure a certain amount of interest or qualification, or something of that kind, is it not ?

A.—Certainly.

Q.—If a low franchise is necessary and good in the case of the depressed classes, why is it not equally good and necessary in the case of the other classes also ?

A.—As I say, it becomes a question of broadening the electorate, and it depends on various other factors, such as education, the general level of intelligence in the country and so on, but here if you wish to admit the depressed classes to franchise before that general revision of the electorate I would secure it by lowering the franchise for them as an interim arrangement. For instance, take the Ratnagiri district where for the ordinary cultivator the assessment is Rs. 16. For the Chamar of that district, I would say, let it be Rs. 2 per annum.

Q.—If a low level of intelligence, education and property qualification is sufficient to entitle a member of the depressed classes to franchise, why should you go further in the case of the other classes ? Why not have one uniform franchise ?

A.—*A priori*, I have not the slightest objection to broaden it. But that question can wait till on general questions of policy you come to revise the whole basis of the electorate.

(*Dr. Paranjpye*).—Do you think that the administrative difficulties would be too great for conducting elections in that event ?

A.—I do not apprehend any administrative difficulties.

(*Mr. Jinnah*).—*Q.*—I suppose that so far as Bombay is concerned you do not object to separate electorates if the Muhammadans desire it as a temporary adjustment ?

A.—Not in the least.

The witness was thanked by the Chairman and he thereupon withdrew.

Monday, the 25th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness:—Mr. Jamnadas Dwarkadas on behalf of the Bombay Branch of the National Home Rule League.

EXAMINED BY THE CHAIRMAN.

Q.—I understand that you are the President of this League ?

A.—Of the Bombay Branch.

Q.—Can you tell us how many members the Bombay branch has got ?

A.—It has about 200 members at the present moment, I mean the Bombay City Branch.

Q.—Is there any register of members ?

A.—We have.

Q.—Are there any subscriptions ?

A.—We have four classes of subscriptions.

Q.—Have you a balance sheet ?

A.—Yes. We have our reports published annually and the balance sheet also.

Q.—Are you a corporate body ?

A.—Yes.

Q.—Registered ?

A.—We are not registered. If you will allow me, I will explain to the Committee the constitution of the National Home Rule League. We are an All-India body with Dr. Annie Besant as the President,—as the All-India President. We have 36 branches all over the country. We have Provincial Councils and also city branches. I am President of the City Branch as well as of the Province of Bombay, and Vice-President of the All-India body.

Q.—May I take it that these views are the views of the League ?

A.—These have been passed by the Bombay Committee. As Vice-President of the League I am more or less conversant with the views of the whole body and I think I am right in saying that these views represent practically the views of the whole body.

Q.—Is it the same body as we have had some witnesses from the United Provinces ?

(*Sir Sivaswami Aiyer*).—No. That was the Liberal Federation.

Q.—What is the qualification for membership in your League ? Is it the holding of any particular political views ?

A.—Holding of certain political views.

Q.—Is it an entirely Hindu body ?

A.—No.

Q.—How many Muhammadans are there ?

A.—We have Hindus, Parsis, Christians, and Muhammadans, and Buddhists also.

Q.—How many Muhammadans have you in the Bombay Branch ?

A.—In the Bombay City we have about 10 Muhammadans.

Q.—Not very many, but a small percentage ?

A.—Yes.

Q.—Is that about their proportion throughout the League generally ?

A.—I should think so, except that I am told that in Bihar we have a large number of Muhammadan members. Mr. Hasan Imam is President of the Bihar Branch, I think.

Q.—You have got two notes here.....

A.—The memorandum by Mr. Kanji Dwarkadas which has been attached here also represents the views of the League. It has been drafted by him because he was a member of the Provincial Legislative Council in the first three years of the life of that Council ; but while I cannot go into the details of the working of the Bombay Legislative Council, I think I shall be able to answer questions on general principles.

Q.—I do not think I have got much to ask you on the memorandum itself. You state your position quite clearly, but there is one little point I want to have cleared up. That is Mr. Kanji Dwarkadas's note, page 7. What is meant by " the meaning of the expression ' to take into consideration ' cannot be restricted." Has it reference to section 80A (3) ?

A.—Reference is to section 80A. I can tell you what happened in the Council. Sir Chimanlal Setalvad, who was in charge of the Port Trust Amendment Bill, at the time of the second reading of the Bill raised a point of order. He said that as there were amendments on paper to be moved by non-official members he could not allow the discussion on the Bill to be proceeded with, because previous sanction of these separate amendments of the Governor-General would have to be obtained. Thereupon the President ruled that that would be an infringement on the right of free speech and right of debate on the part of the members of the Legislative Council ; and so he ruled that while the discussion could go on, and before the third stage was reached, if certain amendments were passed by the Legislative Council previous sanction of the Governor General should be obtained. That was the ruling of the President.

Q.—That sanction could be taken after it had been passed ?

A.—Before the third reading was reached.

Sir Muhammad Shafi.—*Q.*—Mr. Jamnadas, will you kindly turn to paragraph 2 of your Memorandum ? In the second sentence you say " In other words, the enquiry is strictly limited to administrative as distinguished from constitutional imperfections." Will you kindly look at the terms of reference and tell me how you justify this statement ?

A.—Well, Sir, that was my view, but I am afraid I have not been quite accurate in stating that view. But my present view is this. The enquiry is not limited and the members of the Committee are in a position to enquire from A to Z. But I do think, that the right of making recommendation is limited to the extent to which I have referred.

Q.—Will you turn to the second paragraph on page 2, that long paragraph which goes on to page 3. I presume the view which your League has taken of the scope of section 19A in this paragraph is based upon the pronouncement of the then Home Member in the debate which took place on Dr. Gour's resolution ?

A.—Exactly so.

Q.—You were at that time a member of the Legislative Assembly ?

A.—Yes, but I was not here ; I was in England.

Q.—I suppose you saw the report ?

A.—Yes.

Q.—Having gone through the report, have you realised that all the non-official speakers took the contrary view ?

A.—Yes, I saw that ; but it seems to me that you cannot escape from the position that has been taken up by Sir Malcolm Hailey on that point.

Q.—Including Mr. Rangachariar, Dr. Gour and Mr. Samarth ?

A.—Yes.

Q.—And the Legislative Assembly itself took the contrary view because it passed Dr. Gour's resolution by a large majority ?

A.—Yes Sir.

Q.—Assuming for a moment that it is possible under section 19A to bring about constitutional advance by relaxation or restriction of the Secretary of State's control, on that assumption are you opposed to action under section 19A ?

A.—Sir, I think it is not possible for various reasons. I am inclined to agree in the first place with Sir Malcolm Hailey's view.

Q.—Excuse me. It is really advisable to grasp the question and then give the answer ?

A.—I understand you.

Q.—Assuming that constitutional advance to a certain extent is possible by means of action under section 19A would you be opposed to take any action under that section ?

A.—It would not be satisfactory. The advance will be of a very insignificant character unless you provide by statute that the Secretary of State divests himself of his control. It is not possible, even assuming that, that anything like a substantial advance can be made.

Q.—I quite understand that position. According to your view and according to the view of a good many action under section 19A would not be sufficient. But that is not my point. My point is that assuming that action is possible, would you be opposed to that action or would you say " Take any action that you can within the Act for a constitutional advance by all means, but such action will not be sufficient to meet the requirements of the case or to meet the general view " ?

A.—I do not think that action can satisfy us, because unless a statutory provision is made that action cannot give the Government of India any effective control, and cannot give the Central Legislature any effective control over the affairs.

Q.—In page 3 of your Memorandum you say " In the Civil administration of India also, instances could be given of the frequent interference of the Secretary of State even in matters which relate only to minor details." Would you give the Committee one or two by way of example ?

A.—I should give many more than one or two. You will remember that I was one of those who always complained about frequent interference of the Secretary of State. In the first place the appointment of the Lee Commission. You will remember when the motion for adjournment was moved, by an overwhelming majority, the House expressed its opinion against the appointment of such a Commission. Apart from that, it is

an open secret that even the Government of India was averse to the appointment of such Commission. You will remember, Sir—perhaps at that time you were present in the Assembly,—that a challenge was thrown to Sir Malcolm Hailey to categorically deny that the Government of India was opposed to the appointment of the Commission and Sir Malcolm Hailey could not deny that. Then, when the question came before the Assembly for voting the grant, the Assembly again rejected the motion, and the Royal Commission was appointed. Then, I have already quoted the instance of the Esher Committee's report, where the Government of India had accepted our resolution,—the resolution moved by Sir Sivaswamy Aiyer. What happened ? When the debate was raised.—I think it was in July 1923 when I was not there—Mr. Burdon.....

Q.—You have already dealt with the Military Administration. My question was about Civil Administration ?

A.—Then, take the question of the debate on State and Company management. You remember that from time to time the debate had to be postponed because orders from the Secretary of State had not come. There even the Government of India could not have a free voice in the matter.

(*Mr. Chairman*).—*Q.*—But those are not matters of minor detail. Are they ?

A.—I will come to matters of minor detail. I will take an instance which has been referred to—one of the instances that have been pointed out by the Inchcape Committee—in which the subject of the promotion of a subordinate officer in the Railway Department was made the subject of correspondence which lasted for about six months between the Government of India and the Secretary of State ; and you remember that when we objected to the expenditure on telegrams between the Government of India and the Secretary of State, member after member—I remember Mr. Rangachariar and myself particularly—pointed out how in matters of absolute minor administrative details expenditure was incurred because correspondence went on for a number of months unnecessarily.

Q.—You are in favour of the removal or relaxation of that control ?

A.—Yes, Sir ; very much so.

(*Mr. M. A. Jinnah*).—*Q.*—And be independent of the Government of India ?

A.—No Sir. I think you will not misunderstand me. The moment you relax the control of the Secretary of State it goes without saying that I want responsibility at once to be introduced in the Central Legislature.

(*Mr. Chairman*).—*Q.*—You would not like to relax the control until that was done ?

A.—I think both things should be done simultaneously. I do not want the Government of India to be left as an autocrat to carry out its own sweet will.

Q.—You would not like that ?

A.—No, Sir.

(*Mr. M. A. Jinnah*).—*Q.*—It will be from the frying pan to the fire ?

A.—Yes. All that I want is that the Government of India which is responsible to the British Parliament should be responsible to the Indian electorate.

(*Mr. Chairman*).—*Q.*—Till that is done things may remain as they are ?

A.—I do not think things ought to be allowed to remain as they are. If you allow things to remain as they are, you will invite serious consequences.

(*Mr. Chairman*).—*Q.*—My question is this. In the event of no change being made you prefer the existing arrangement should continue rather than the Government of India being left irresponsible ?

A.—I do not contemplate the possibility of no change being made. I have some regard for the common-sense of the powers that be.....

(*Mr. Chairman*).—*Q.*—In the event of nothing being done to give responsibility to the Central Legislature, would you prefer the existing arrangement--the Government of India being subject to the control of the Secretary of State or would you prefer to have that control removed ?

A.—I would not like the Government of India to play the part of an autocrat. I would like that they should be responsible to the Central Legislature.

(*Mr. Chairman*).—*Q.*—You have really answered my question. You would not like the Government of India to be irresponsible ?

A.—Yes.

Q.—With reference to this question that was put to you by the Chairman, assuming for the sake of argument that actual responsibility to the Central Legislature is not granted at present, does it mean that the relaxation or restriction of the Secretary of State's control over the Government of India would make the Government of India necessarily responsible in view of section 131, sub-section (2), that responsibility to Parliament remains ?

A.—That is exactly what I mean. You are precluded from relaxing the control of the Secretary of State by section 131 and also if you read the whole section 19A.....

Q.—You have not understood my question. Secretary of State's control under certain sections of the Act is one thing and responsibility of the Governor General in Council to Parliament under section 131 (2) is another. My question was this. Does removal or relaxation of the Secretary of State's control—whether by exercise of rule-making power under section 19A or by an amendment of the Act, it does not matter—does it necessarily make the Government of India irresponsible till it is responsible to Parliament ?

A.—Not irresponsible.

Mr. M. A. Jinnah.—*Q.*—I know that you are opposed to the control of the Secretary of State for India. You said that ?

A.—Yes.

Q.—You also consider it would not be very much of an improvement if that control is relaxed and power is given to the Government of India. You consider both bad ?

A.—Yes.

Q.—Supposing we had to choose between these two evils, namely that we should really have more to deal with the Government of India rather than the Secretary of State for India sitting 6,000 or 7,000 miles away from India, would not the Government of India be more amenable to public opinion ?

A.—Naturally, because they have got to deal with us every day.

Q.—If you have no other choice except to choose between the two, you would rather that the control was relaxed ?

A.—Exactly so.

Q.—Mr. Jamnadas, you are a merchant, aren't you ?

A.—Yes.

Q.—And you have taken part in public life for a number of years ?

A.—For the last 10 years.

Q.—And you were a member of the Assembly for 3 years, and you stood for the last election but you were defeated ?

A.—Yes, Sir.

Q.—You have, therefore, sufficient experience of voters ?

A.—Yes.

Q.—In your opinion do you think that the electorates are intelligent electorates ?

A.—Undoubtedly they are.

(*Mr. Chairman*).—*Q.*—Do you mean in Bombay city or generally ?

A.—I am acquainted with Bombay city particularly, but I have also moved about the country a good deal, and to the remotest corners of the villages of Gujerat and I can say that the electorates are very very intelligent. They understand broad issues as the best of your electorates can understand.

Q.—And you say that in spite of the fact that you were defeated at the last election ?

A.—That does not matter. I have no hesitation in admitting that I was defeated because they understand the broad issues so thoroughly. That is why I was defeated.

Q.—So your defeat was due to the fact that the electorates thought that this constitution ought to be scrapped whereas you were rather inclined to support this constitution ?

A.—If you will permit me, Sir, I will go into the history of my defeat.

(*Mr. Chairman*).—We do not want to know the history of your defeat.

Q.—Of course, you were wrongly defeated ?

A.—It does not matter whether I was defeated rightly or wrongly. But my party did give support to the constitution in the beginning of the year 1921.

Q.—They considered rightly or wrongly that you were supporting the Government ?

A.—It is not merely that. The Government failed to respond to the co-operation and good-will that we offered to them.

Q.—Then you were defeated because they came to the conclusion that you were supporting an irresponsible and un-responsive Government ?

A.—Yes.

Q.—You were a member of the Legislative Assembly for three years ?

A.—Yes.

Q.—Did you feel throughout the term that you were a member that the Legislature had any power at all ?

A.—Power we had very little. But in the beginning I was inclined to feel that the Government would work with us and would make it possible to become if not responsible to the Legislature at any rate responsive to the Legislature.

Q.—In the beginning you flattered yourself that the Government was under your influence ?

A.—Yes.

Q.—But you realised afterwards that it was a mere delusion ?

A.—The disillusionment came and it came most in the year 1923 when in the teeth of the opposition of the people Government restored some grants and the Governor General certified a measure to which the country was unanimously opposed.

Q.—By the time you left at the end of your term, do you think it was possible to work this constitution in the Central Government ?

A.—No. I thought it was absolutely necessary to introduce responsibility before any constitution of that character could be worked.

Q.—Do you think that sufficient trial has been given to the present constitution to find out that it is unworkable ?

A.—So far as the members of the first Assembly are concerned, I think everyone of them is bound to admit that we have given a fair trial to the Reforms.

Q.—When you came to the Assembly, I take it that the entire body of representatives who were returned during the first election came to the Assembly with the object of working the Reforms whole-heartedly in order to make it a success ?

A.—There is no doubt about it.

Q.—When you went into the Assembly you did not have the extreme school of politicians in the Assembly, I mean the non-co-operators ?

A.—No.

Q.—Therefore you got in the Assembly what I call men who were moderate men and the bulk or the whole lot of them were willing to give a fair trial to the Reforms ?

A.—Yes.

Q.—And therefore you could not have given a trial to the Reforms in the Central Government under better or more congenial circumstances or conditions ?

A.—Quite so.

Q.—In spite of that you came to the conclusion at the end of your term that it was not possible to work the present constitution ?

A.—Yes.

Dr. Paranjpye.—*Q.*—You say on page 3 of your Memorandum with regard to section 19A. "We would point out that the establishment of a convention established by one Secretary of State may as easily be upset by his successor." Have you any experience of this ?

A.—I remember at least one particular instance where Mr. Montagu did establish a convention. You will remember that in 1921, a proposal was made to increase the import duty and the excise duty was left intact. Then the Lancashire deputation waited on Mr. Montagu and Mr. Montagu's

reply was : " Gentlemen, it is not possible for me now to interfere because the Government of India and the Indian Legislature have agreed and in accordance with the recommendation made by the Joint Committee I shall respect that convention." It was, I think, in the year 1922 that a proposal was made to enhance both the excise duty and the import duty on cotton goods to the extent of 4½ per cent. The enhancement of the excise duty was rejected by the Assembly and Mr. Worthington-Evans had just succeeded temporarily Mr. Montagu, who resigned. As soon as the enhancement of the excise duty was rejected by the assembly, telegrams from the Secretary of State poured in to the Viceroy, pressing him to certify the excise duty. I remember the Viceroy resisted that demand.

Q.—You talked of these telegrams. Could you tell us the expenditure incurred on these telegrams ?

A.—I have not got the figures ready at hand. But our principal objection to the telegrams was that they encouraged constant interference by the Secretary of State.

(*Maharaja of Burdwan*).—*Q.*—Could you please tell the Committee how you came to know of these telegrams and the fact that the Secretary of State was putting pressure on the Viceroy ?

A.—I have no hesitation in placing the facts before the Committee. As soon as these telegrams began to pour in some of us were taken in confidence.

(*Mr. Chairman*).—I think we had better not pursue that matter.

Q.—Have you got any figures about these telegrams ?

A.—No.

Q.—Can you tell us that the expenditure on these telegrams has constantly increased ?

A.—I think that was the complaint of the members. So far as I remember Mr. Rangachariar moved a resolution pointing out how expenditure on telegrams has increased on account of the constant interference by the Secretary of State.

Q.—Again, you mention that you would like to have complete provincial autonomy. But at the same time you say at the beginning of the last paragraph on page 4 that " Even complete provincial autonomy, without the introduction of responsibility in the Central Government, would fail to bring relief to the discontent widely prevalent in India." Can you explain that a little more ?

A.—While the Provincial Governments are very important in their own way, all the large questions of the financial policy and other policies are dealt with by the Central Government. Also the Central Government exercises a lot of check over the doings of the Provincial Governments. Therefore, unless the Central Government is made responsible to the Central Legislature, the mere introduction of full provincial autonomy in the provinces would fail to satisfy the aspirations of the people.

Q.—Do you think that if there is a deadlock between a responsible British Government and an autocratic Central Government, the Provincial Government would be in a better position to resist and the sympathies of the people will be on the side of the Provincial Government ?

A.—Yes. While if you had responsibility in the Central Government, in the case of deadlock, the question would be considered on its own merits.

Sir Henry Moncrieff-Smith.—*Q.*—Mr. Dwarkadas, if the Secretary of State's control is relaxed by rules under section 19A, do you consider that, though Parliament may not provide for responsibility in the Central Government, the inevitable result will be the beginnings of responsibility in the Central Government ?

A.—In a way, yes. The constant interference by the Secretary of State would be avoided. I said in answer to Mr. Jinnah's question that it is likely that the Government of India would be more amenable to the wishes of the Legislative Assembly than the Secretary of State is likely to be. I will not say the Government of India will be responsible to the Assembly but there will be a certain amount of responsiveness on their part.

Q.—But don't you think that responsiveness would lead to responsibility ?

A.—Unless you have responsibility introduced by statute I would not say that the Government of India would be responsible to the representatives of the people.

Q.—The Memorandum of Mr. Kanji Dwarkadas is practically confined to the subject of control of provincial legislation under section 80A (3). I do not know if you have considered that matter. I suppose you agree with the statement that the clause in particular which requires the previous sanction to any measure regulating a provincial subject is merely hampering the Local Council ?

A.—Yes.

Q.—Will you please look at section 80A (3). Could you indicate to us whether you would alter this clause or whether you would relax the restriction requiring previous sanction ?

A.—I have not considered the whole question very fully as I have not had experience of the Provincial Councils. But having considered it in our Committee, I came to the conclusion along with other members that the previous sanction is hardly necessary. You can trust your Local Government. They are after all a responsible body and you can trust them to introduce such measures only as will not interfere with the authority of the Central Government. You can always provide for the final veto or sanction subsequent to the passing of the measure.

Q.—Would not that involve a great deal of waste of time on the part of the Local Government ?

A.—I do not personally think that the Local Governments would be so foolish as to cause unnecessary waste of time by introducing measures of a doubtful character. But even if they did, a debate is always useful in bringing out certain points which could never have been brought before the public.

Q.—You say that the Local Government can be trusted. But all the measures in the Local Councils are not promoted by the Local Government What about private Bills ?

A.—After all, the scope of the powers of the Provincial Councils is very limited. I would not even object to include private Bills in this category.

Q.—You say that the scope is very limited. What do you mean by that ? Do you mean merely provincial, because the Local Council has a power to make laws for its own province only ? Do you regard that as very limited ?

A.—It is limited as compared to the scope of the Central Government. I am speaking only comparatively.

Q.—Don't you think some restriction is necessary on the powers of the local Council ?

A.—If you provide for a veto or sanction subsequent to the passing of the measure, I do not think any other restriction is necessary. Take one instance which has been pointed out by Mr. Kanji Dwarkadas in his memorandum about the Prostitution Bill. You find, Sir Morris Hayward and the other members of the Committee agreed that certain amendments which were essential were not introduced because the previous sanction of the Governor General would be necessary and it would cause unnecessary delay. You are actually preventing legislation which is in the interests of the people of the Province by providing for this unnecessary delay in the shape of previous sanction of the Governor General.

Q.—Are you quite sure there would be delay ?

A.—The experience of the Legislative Council is this.

Q.—This reference of yours to the Bombay Prostitution Bill in the memorandum, that was a mere question whether the word " male " should remain ? Don't you think on a point like that the sanction of the Governor General might have been obtained within two or three days ?

A.—I think a Government Member like Sir Morris Hayward would be more qualified to give an opinion on that subject than I am. I do not know what the delays are, but he clearly states here :—" We considered at some length the question whether in section 5 the word male should be deleted, but since the change will probably involve a reference to the Government of India for previous sanction, which will delay the passing of the measure, we decided a change would be better effected hereafter by an amending Bill."

Q.—So much for provincial legislation. You were a Member of the Assembly, is it your experience that the provisions of section 67 (2) hamper legislation in the Indian Legislature ?

A.—No, so far as the Central Legislature is concerned, I do not think that was my experience.

Q.—The memorandum mentions the resolution in the Assembly for the appointment of Council Secretaries and you mention the fact that it was in the end opposed to a considerable extent by non-official members. What is your own view about that, the view of your League ? Are Council Secretaries to be appointed ?

A.—Not until responsibility is introduced.

Q.—And with regard to the Provinces ?

A.—Even there I should hesitate to appoint Council Secretaries before you had full provincial autonomy, before all subjects were transferred to the Ministers with responsibility.

(*Sir Sivaswamy Iyer*).—*Q.*—You mean for the transferred half ?

A.—I should think so, even for the transferred half at the moment, because evidence of the Ministers here clearly indicated that, while nominally they had power, in reality they had practically no power, that they were, as they put it between the Governor and the representatives of the people, and they did not know where they were.

(*Sir Sivaswami Iyer*).—*Q.*—They have Council Secretaries for Madras for the reserved half ?

A.—I am not aware of that.

Q.—You would not have persons as Parliamentary Under Secretaries ?

A.—Not until responsibility is introduced because the appointment of Council Secretaries would reduce the strength of the non-official majority in the Assembly, which would mean, so many won over by the official party, which would work as a handicap.

Sir Sivaswami Aiyer.—*Q.*—You have read the Crewe Committee's Report ?

A.—Yes, long ago.

Q.—They recommended that when the Government of India and the Legislature agreed, the Secretary of State should not interfere and should establish a convention of non-interference ? Do you approve of that recommendation ?

A.—I do.

Q.—And I understand that you desire the Secretary of State's control to be relaxed and the Government of India made responsible to the Legislature ?

A.—Yes.

Q.—But, pending that, do you not think that the delegation of powers to the Government of India or the relaxation of the Secretary of State's control would be an improvement upon the existing state of things ?

A.—Yes, and I said so in answer to Mr. Jinnah, because the Government of India, I repeat, would be more amenable to the wishes of the people : but my complaint is that, while nominally the relaxation would take place, unless a statutory provision was made, the wire-pulling that the Secretary of State always does, would go on continually without the members knowing it was going on.

Q.—During the first term of the Assembly, the Assembly passed a number of important legislative measures, with regard to repressive laws, with regard to the removal of racial distinctions and a number of other things, and in the Assembly the elected members are in a majority, do you think the first Assembly has any record of useful work to its credit ?

A.—A very marvellous record.

Q.—Do you think that the Legislature really has no power, as you said a little while ago, or would you qualify that statement ?

A.—It all depends upon the desire to co-operate with each other on the part of the official and the non-official members of the Assembly. In the first year of the Assembly we saw a distinct indication that both parties were keen on co-operating with one another, but that was because outside the Assembly there was this non-co-operation movement hanging as a sword of Democles over the head of the Government ; but as soon as that movement was on the wane, it is my personal experience as a Member of the Legislative Assembly that the Government began to be less and less responsive until at last they did not mind being absolutely autocratic at the end.

Q.—I want you to have regard to the fact that, in the Assembly, the elected Members are in a decided majority ?

A.—Yes.

Q.—And they have done a lot of useful work. Now would you echo the voice of the Swarajist and say that the Legislature has no power, or

would you qualify that statement and say that the Legislature has power but no responsibility ? Or perhaps has not as much power as you would desire ? Do you think it is a fair statement to make that the Legislature has no power at all ?

A.—It can influence a good deal the Members of the Executive Government, and as you pointed out, there are numerous instances in which the first Legislature influenced the Government ; there is no doubt about that ; but what I found was, the moment the Government became adamant, that power which I thought the Legislative Assembly had seemed to disappear altogether. Take the instance of the certification of the Salt tax. You cannot have a worse instance of the way in which the power vested in the Governor General was misused.

(*Mr. Chairman*).—*Q.*—Do you think the power is in the Act to be used or not to be used ?

A.—That is a debatable point whether the Act confers that power.

(*Mr. Chairman*).—*Q.*—Is it a debatable point whether the power is to be used or not ?

A.—It is a debatable point whether the Act gives power under these particular circumstances. I say it was misused.

Q.—In the Minto-Morley Councils we had influence without power because you were not in the majority. In the present Reformed Councils we have some power, though perhaps not as much power as we might desire ?

A.—That power would be manifest in proportion as the Government would be inclined to respond to the wishes of the Legislature. It depends entirely on the goodwill of the Government.

Q.—You mean that the Government can exercise their powers of veto or certification or restoration, and limit the exercise of the power of the Legislature ?

A.—Yes.

Q.—But does the existence of this power in the hands of the Government in your opinion go to the extent of nullifying the power of the Legislature, or does it show that the power, such as it exists, is not sufficient in your opinion ?

A.—I say that the power is there and that it is not sufficient. Besides I repeat it depends upon the good-will that you are able to get from the Government. I am quite free to admit that both sides can play the game, but in the case of the first Legislature, Government had not the slightest justification whatsoever in flouting the wishes of the Assembly, and they did it in an unconscionable manner, that is my view.

Q.—And the present position is a position of the Legislature having power but no responsibility, just the objection which was taken in the Montagu-Chelmsford Report to the other schemes and other Councils ?

A.—One of the defects is that it spoils the morale of the whole public life of the country. Where you have a little power to say anything you like and no responsibility whatever, you inevitably have a number of men who will play to the gallery and indulge in irresponsible statements, which they would not do if they were asked to step into the shoes of the Government.

Q.—Instead of that position of power without responsibility, the first Assembly did display a very considerable amount of responsibility ?

A.—The first Assembly, Oh yes.

Q.—And they were quite willing to co-operate ?

A.—I think so far as the first Assembly was concerned they were always willing to co-operate and give a fair chance to the Government.

Q.—You say on page 4 of your memorandum at the bottom, " while, according to one authority, competent to express an opinion on the matter, there would be, under this arrangement, constant friction between the autonomous provincial Governments and an autocratic Central Government." May I know who the authority is ?

A.—I should not like to mention it.

Q.—What is the heaviest item of expenditure in our Government ?

A.—The military expenditure.

Q.—And according to your ideas, you would introduce responsibility in the Central Government as well ?

A.—Yes.

Q.—And in doing so, would you make any exception ?

A.—I would have the whole civil administration transferred to Ministers, and would leave the military and foreign and political affairs for the time being, to be taken over by the Indian Legislature whenever it thinks that it is fit to do so by its own act.

Q.—Do you think it would be a satisfactory state of things if the Legislature had no voice at all with regard to this very heavy item of expenditure ?

A.—Far from being satisfactory, it is the one thing that causes dissatisfaction in the country. You must make a provision to allow the Members of the Legislative Assembly not only to discuss, but to vote on the Military budget.

Q.—They do discuss it ; they are not prohibited from discussing it ?

A.—Yes, but they do not vote on it. I would go further and give them the power to vote on it.

Q.—At the same time you are aware that even in England neither the electorate nor even the ordinary Member of Parliament shows any keen appreciation of the need for military expenditure,—you are aware of that ?

A.—Yes in a way that is so in every country, but I have made a provision against that contingency. You could easily provide safeguards.

Q.—Don't you think there is a danger of the need for military expenditure not being duly appreciated here ?

A.—I think, speaking about India, if you adopt a policy of rapid Indianisation of military services you will have the people taking more keen interest in military affairs than they are doing now. But I am not blind to the danger, to the possible risk, and therefore in my memorandum I have suggested that a minimum can be agreed upon between the Governor General and the representatives of the people which by certification the Governor General can always restore. It is quite possible to make adequate arrangements for necessary military expenditure.

Q.—You would assign a small margin for the members of the Legislature to vote upon.

A.—I would let them vote upon the whole ; then I would give the Governor General power to restore the minimum that is fixed.

Q.—An indispensable minimum ?

(*Mr. Jinnah*).—*Q.*—To be fixed beforehand ?

A.—By agreement between the representatives of the people and the Governor General.

(*Mr. Jinnah*).—*Q.*—Beforehand ?

A.—Beforehand.

Q.—Supposing they cannot come to any agreement ?

A.—I mean the moment you have responsible government a contingency like that is not likely to arise of members of the Legislative Assembly refusing the whole of the grant.

Q.—And you are willing to reserve the Army and exempt it from the sphere of responsibility. You said you would like to have the Army Indianised ?

A.—Yes.

Q.—How could you manage that ? If you are prevented from interfering with military affairs altogether how would you bring about the Indianisation of the Army ?

A.—I would certainly have a clear declaration from the Government when responsibility is introduced in the Central Government, I would have a clear declaration with regard to their policy. That policy should be of Indianising very rapidly. I would not be satisfied, if I may put it in that way, with the way in which it is being done now.

Q.—Are you prepared to offer any opinion as to the period within which Indianisation could be completed ?

A.—I am not prepared to offer any opinion, but I think it can be provided that after 5 years the position can be reviewed or reconsidered.

Q.—You mean the rate of Indianisation should be reconsidered from time to time ?

A.—Yes ; and also with a view to enable the Legislature to take over the control of military affairs in its own hands.

Q.—At the end of 5 years ?

A.—I say after every 5 years. Fix any period you like, but the question could be reconsidered from time to time, because sooner or later the Legislature must take over the subject of Defence.

(*Mr. Jinnah*).—*Q.*—Would you fix 100 years for that ?

A.—Oh, no, I think it will be within a much shorter time.

Q.—What has been the difficulty which has stood in the way of a successful working of the reforms, specially in the provinces, is financial stringency ?

A.—Yes.

Q.—And do you think the Meston settlement has anything to do with it ?

A.—Well, Sir, you know how I have always fought the Meston settlement in the Assembly whenever I had the opportunity. It is the most inequitable and unjust system of financial arrangement between the Provincial Governments and the Government of India that was ever contemplated.

Q.—But the peculiarity about this settlement is that everybody complains of it in the same terms as you do ?

A.—Because in the first place, the allocation of the heads of revenue is unsatisfactory, and secondly there is the additional burden of provincial contributions, so that every province is practically crippled with regard to its financial resources, and in certain provinces—for instance, in Bombay I think I can say with a fair amount of accuracy that we are not much better off than we were before the reforms, because whatever measures of reform the Minister wants to introduce he cannot do so because he is hampered, he is crippled financially.

(*Mr. Chairman*).—*Q.*—Owing to financial stringency ?

A.—Owing to financial stringency.

Q.—Do you think it possible to arrive at a satisfactory settlement of the financial question without a revision of the Meston settlement ?

A.—Oh, no. You must revise the Meston settlement; that has been my demand when I was in the Legislative Assembly, and the Government of India have always tried to play one province against another.

Q.—Are you in favour of the re-allotment of the burden or dispensing with provincial contributions by fresh taxation ?

A.—I should re-examine the whole question and I should not lay down one fixed principle for all provinces. Take for instance Madras, which has a larger amount of land revenue than Bombay. You cannot ask Bombay to depend on land revenue and excise only and take away the whole of its income-tax. It means ruining Bombay, and leaving it without any finance to carry out its reforms.

Q.—Have you got any solution ?

A.—I don't think I can give a clear cut solution at the present moment, but I think it is perfectly beyond doubt that the question wants a thorough re-examination by impartial authorities ?

Q.—Would it be possible to put a stop to the system of provincial contributions without further taxation ?

A.—I am not prepared to go into details now, but I say a re-examination of the question will enable the Government of India to find a solution.

Sir Arthur Froom.—*Q.*—You stated that the first Reforms Council of the Assembly never lacked in willingness and earnestness to do their best to make the reforms a success, and as, Sir Sivaswamy Aiyer pointed out, you did do a great deal of good work in passing Bills which were of great benefit to the country. Sir Sivaswamy mentioned two Bills. I may also mention the Workmen's Compensation Bill (now the Workmen's Compensation Act) and the Income-tax Bill. So you did a good amount of work ?

A.—Yes, I admit it.

Q.—So do I. Then you go on to say : " The great change in the personnel of the new legislatures at the last elections and with it, in the spirit in which some of them have lately interpreted their functions, constitutes, in itself, an eloquent proof of the inadequacy of the reforms." I do not understand that point. Can you explain it ? May I just further elucidate my question. The first Assembly, to put it briefly, might be considered more reasonable than the second Assembly ; and from that you

deduce that the unreasonableness of the second Assembly is a proof that there should be further reforms. Now I put it to you, supposing there was an outside referee on this matter, do you think the referee would be impressed by the behaviour of the second Assembly as suggesting further reforms, or would not he be impressed rather by the first Assembly ?

A.—But what was the result of the goodwill and co-operation that was freely offered by the first Assembly—at the last moment the Government did not hesitate, if I may put it in very vulgar language, to give a parting kick to the members who had done everything to co-operate with them, by certifying a measure in the teeth of the opposition of the people. That constitutes the failure of the reforms.

Q.—I do not quite understand what you mean by " a parting kick " ?

A.—I will explain it to you.

Q.—I would rather leave the question if you are going to use such language.

(*Mr. Jinnah*).—You were not in the Assembly so you cannot realise it.

A.—(To Sir Arthur Froom).—Will you let me elaborate my point ?

Sir Arthur Froom.—If you are going to use language like that—" a parting kick "—I would rather you did not elaborate it ?

A.—I am sorry—I said, if I might use such language. But what happened was this. When we were trying to explain the reforms to the people against all odds and all opposition, we laid stress on the point which was emphasised by Mr. Montagu in his speeches that while the veto was provided as in England, here the veto would not be exercised in ordinary circumstances, that the power of certification would be exercised in exceptional, in extraordinary circumstances, and that it was never contemplated that the certification would be resorted to in certifying, for instance, a Finance Bill. When the Government did that at the end of the term of the first Legislative Assembly, I said in the Assembly that " we shall now have to go and hang down our heads in shame." And that is actually what happened.

Q.—You mean you disagreed with the action of the Government of India in wishing to balance its Budget ?

A.—No, it is not a question of balancing the Budget. Not only that, but I think it was a most unwise thing for the Government to do to get the Governor General to certify a money Bill.

Q.—In your first Legislature you did a lot of good work. Then you disagree with the Government on one point. So long as Government were in agreement with the various measures you brought forward everything went smoothly, but when you suggested a line of action which the Government could not take, and Government exercises its powers, you did not like it ?

A.—Not the Government but the Governor General exercised his extraordinary power which was meant for use in exceptional circumstances.

Q.—Was this exercise of exceptional powers questioned in the Council of State ?

A.—You will not drag me into a discussion of the wisdom or otherwise of what the Council of State does in all matters ?

Q.—Well, that is what the Council of State is for. Anyway, I gather that you are in favour of complete autonomy. You mean in the provinces ?

A.—Yes.

Q.—And in the Central Government ?

A.—I want the transfer of the Civil Departments.

Q.—And would you have introduced that at the beginning of say 1921 ?

A.—As a matter of fact when the deputation from the Home Rule League went to England, we urged that responsibility must be introduced into the Central Government also.

Q.—But would you have introduced provincial autonomy in Bombay in 1921 ?

A.—Yes.

Q.—You would have introduced it 10 years earlier in Bombay. What I want to get at is what date in the history of Bombay, the constitution and Government of Bombay, would you have introduced these reforms. About when do you think Bombay was ripe ?

A.—I am not competent to say what I would have done 10 years ago but I would certainly have given responsible government much earlier.

Q.—You would have given it in 1921 ?

A.—Without any doubt.

Q.—And up to that, until you got responsible government, there must have been some other sort of Government, the Government which existed up to 1921. The same with the Government of India; before we had these reforms we had some other Government, and both these Governments had their own responsibilities ?

A.—They had their responsibilities to the British Parliament.

Q.—Exactly. Well then you object to the Government, who has its responsibility, taking any interest whatever as far as I can make out when it begins to divest itself of its responsibility. Don't you think the Government who has its responsibility would be lacking in doing its work properly if it did not take some interest when the time is coming for it to divest itself of some of its responsibility ?

A.—I do not quite follow.

Q.—Look here. You say on page 1 here " Nor can we accept without demur the tests laid down in the preamble by which Parliament will judge as to the time and manner of each advance of India towards responsible Government ". Don't you think Parliament has got some responsibility ?

A.—Constitutionally I do not question Parliament's authority ; but at the same time if you apply the principle of self-determination which I think has been proclaimed by the greatest of English statesmen for all civilised countries—if you take that as the principle by which you are going to be guided, then I am afraid I cannot accept the test.

Q.—My point is that a Government which is responsible cannot divest itself of its responsibility at one sweep, one blow. The Government still has responsibility to see that the powers it proposes to transfer to another Government are likely to be exercised wisely and well ?

A.—But I should like Parliament to have the same amount of responsibility as exists in the case of the Dominions.

Q.—My point is this. The British Parliament should not say, "Let India have self-government ; let us take it off our shoulders ; let us wash our hands entirely of India." It has had responsibility for a large period of years. The British Parliament would be wrong—I don't think you will agree with me in this—if it sought to divest itself of its responsibilities, and if it were to say that steps should be taken without any exercise of its powers that it has now got.

A.—You will permit me to say this. While I do not question the final constitutional authority that vests in the Parliament to give responsible government to the people, I do not think that the time and measure of each advance can be determined by Members of Parliament sitting six thousand miles away without consulting or without taking the advice of those who are here—Indians as well as Europeans—engaged in working the constitution.

Q.—Before the present Bill was enacted, they sought their advice, did they not ? They are likely to seek advice again. That is my point ?

A.—I go further and say that if you apply the principle of self-determination, which I am sure you will agree to, then the measure is to be determined by the people of the country themselves.

Q.—My point is this. The British Parliament cannot divest itself of its entire responsibility. You do not agree with that ?

A.—Take the case of the Dominions that are ready and make a demand. Parliament has used its nominal authority, I admit, but it has always gracefully given way, and I want the Parliament to do the same thing in the case of India.

Q.—You must admit that Parliament might say that there is a cry from a certain party in this country that they are ready for self-government, but they may not take the view that it is the cry of the whole country ?

A.—You will permit me to say this. It is not merely the cry of one party or another. You have so many different parties in the country but I do not think there is a single political party that does not demand with one voice that the time is ripe when responsibility should be introduced.

(*Sir Henry Moncrieff-Smith*).—*Q.*—On the ground of fitness ?

A.—Yes. It is a principle which ought to be accepted by every one. No one nation has the right to question the fitness of another nation....

(*Mr. Chairman*).—I think we are getting away from the point.

Sir Arthur Froom.—My point was that the Parliament has got its responsibilities.

(*Mr. Jinnah*).—*Q.*—Parliament has its responsibilities. Do you think it ought to continue for ever or that it must terminate at some date ?

A.—Parliament ought to have the same responsibility that it has in the case of the Dominions.

(*Mr. Chairman*).—*Q.*—Would you like even that to terminate at some day ?

A.—I think I have made it abundantly clear that we do not want to break the link with the British Parliament. But we want them to exercise the same authority which they do in the case of the Dominions which are self-governing.

The President thanked the witness who then withdrew.

L538HD—200—27-1-25—GIPS

EAST INDIA (CONSTITUTIONAL REFORMS).

Reforms Enquiry Committee, 1924.

APPENDIX 6 TO THE REPORT.

ORAL EVIDENCE (PART II).

LIBRARY OF THE BOMBAY BRANCH OF THE

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.
To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 28, Abingdon Street, London, S.W.1;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
or 120, George Street, Edinburgh;
or through any Bookseller.

1925

PRINTED IN INDIA.

Price 9s. net.

NOTE.

The Report of the Reforms Enquiry Committee and the views of the Local Governments on the working of the Reforms are published separately (Report, Cmd. 2360; Views of the Local Governments, Cmd. 2361 and Cmd. 2362).

TABLE OF CONTENTS.

(VOLUME II.)

	PAGE.
1. Mrs. Dip Narain Singh on behalf of ladies of Simla	1—3
2. The Hon'ble Syed Raza Ali, Member of the Council of State	3—35
3. Mr. Chitale on behalf of the Bombay Presidency Association, Bombay ..	36—73
4. Mr. Shaffat Ahmad Khan, M.L.C., United Provinces	74—98, 122—125
5. Sir Frederic Gauntlett, Auditor General, Government of India ..	99—121
6. Messrs. N. M. Joshi and Dalvi, on behalf of the Bombay Presidency Association, Bombay	126—144
7. Sir Provash Chunder Mitter, *ex*-Minister, Bengal	145—205
8. Sir Purshotamdas Thakurdas, M.L.A.	206—248
9. Mr. Fazlul Haq, *ex*-Minister, Bengal	249—283
10. The Hon'ble Sir John Maynard, Member of the Executive Council, Punjab	284—348
11. Sir Chimanlal Setalvad, *ex*-Member of the Executive Council, Bombay ..	349—380
12. Mr. Kabir-ud-Din Ahmed, M.L.A., on behalf of the Parliamentary Muslim Party of the Legislative Assembly	381—401
13. The Hon'ble Sir Abdur Rahim, Member of the Executive Council, Bengal	401—444
14. Mr. A. Marr, Financial Secretary to the Government of Bengal.. ..	445—471
15. Mr. J. E. C. Jukes, C.I.E., I.C.S., Officer on Special Duty, Finance Department, Government of India	472—482
16. Mr. G. H. Spence, Deputy Secretary to the Government of India, Legislative Department	483—501

REFORMS ENQUIRY COMMITTEE.

Tuesday, the 26th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mrs. Dip Narain Singh on behalf of ladies of Simla.

EXAMINED BY THE CHAIRMAN.

Q.—You appear on behalf of the ladies here ?

A.—Yes Sir.

Q.—The point of your memorial, as I understand it, is this, that in those provinces where ladies are entitled to vote, you would desire that they should also be entitled to be candidates ?

A.—Yes. We consider it an absolute injustice and an anomaly that where we have the right to vote, we should not have right to be elected as candidates.

Q.—You know the right to vote depends on the local Legislative bodies ?

A.—That was recommended, I understand, by the Joint Committee and that has been embodied in the rules. But we wish the rules to be so amended that the right to vote should automatically carry with it the right to sit as candidates, because we consider that the position is certainly anomalous and very unjust to us.

Q.—I see that at present, in Madras and in Bombay and in the United Provinces and in Burma also ladies can vote ?

A.—Yes, and they also have exercised their right at the last election—quite a considerable number considering the very short time that the reforms have come in.

Q.—You have got the figures there ?

A.—Yes.

Q.—I see that the vote has been exercised pretty freely in Non-Muhammadan urban constituencies, to a certain extent in Muhammadan urban constituencies and to a very considerable extent by Indian Christians, but in rural areas it has been very sparsely exercised. I think you will accept that as correct ?

A.—I certainly accept the figures as quite correct. I think the reason for that is palpable. After all, the reforms came in a very short time and to make women realise their responsibilities and their power requires a certain amount of training and education which in the first instance we could have hardly expected to have taken place.

Q.—Which is your own province ?

A.—I am a Bengalee by birth, but I have married in the province of Bihar.

Q.—In neither of these provinces, I think have you the right to vote ?

A.—We hope in time to be able to convince them that this is quite a reasonable thing. In fact, I believe that in Bihar a Resolution is very shortly to be put forward bringing up this question.

Q.—I take it, your Association proposes to endeavour to educate the various legislatures to the extent of granting the vote ?

A.—Certainly.

Q.—Are you taking steps to do that ?

A.—Yes, certainly.

Q.—Could you tell the Committee what exactly this meeting was ? Was it just convened by the ladies of Simla or was it convened in response to any request from the provinces ?

A.—It was convened by the ladies of Simla because it struck certain ladies who were here that this was a very favourable opportunity to present our case. We had no time really to consult the organisations that already exist in the provinces, but we communicated with them and we have got whole-hearted support from not only the Associations with regard to woman suffrage and woman representation but from various individuals who are largely concerned with these matters and who are interested in them. We have had practically support from all over the country in this matter. In fact, we have not had any note of dissent.

Q.—You would hardly expect a note of dissent, could you ?

A.—I do not know. I am afraid there are still a few conservative members who are afraid of any kind of innovation.

Q.—I take it that the Committee may conclude that the ladies who attended this meeting in Simla are probably a more educated and advanced section than you find anywhere in India ?

A.—I think so.

Q.—I would suggest that if you have got any other organisation of ladies, you should advise them to send in their memorandum to us. We shall not be able to examine any more witness but you can strengthen your case by getting a good many other Ladies' Associations to send in their memoranda. Are there any other Ladies' Associations in India ?

A.—Yes, I think there is a very large Association in Madras. It has already, I believe, communicated direct with the Reforms Committee and submitted a memorandum. So also in Bombay. There are also smaller Associations in different parts of India. We shall certainly ask them to send in memoranda if we will strength our case thereby.

Q.—You don't see any difficulty in ladies obtaining this ?

A.—No. Why should there be ?

Q.—Supposing, for example, purdah ladies were desirous of standing as candidates. Would it not be rather difficult ?

A.—I do not know whether this contingency is likely to arise very soon, but if it did arise, I think probably special provision could be made for it. Purdah ladies do conduct work in various spheres of life. I will

refer to the notable incident of the Begum of Bhopal. And there are various other institutions which are carried on by purdah ladies, and I think, that if a purdah lady was elected by a constituency, if necessary, she would appear in the Assembly in a *burqa*.

Q.—I was thinking rather of the difficulty of canvassing—of the constituency ?

A.—We take it that the majority of people who are likely to attempt to enter the Council would not be purdah. They would probably be non-purdah.

The President then thanked the witness who then withdrew.

Tuesday, the 26th August 1924.

Witness :—The Hon'ble Syed Raza Ali, Member of the Council of State.

EXAMINED BY THE CHAIRMAN.

Q.—I think you are a Member of the Council of State ?

A.—Yes.

Q.—I shall take judicial notice of the fact. You have been a Member of the Council of State since its commencement ?

A.—Yes.

Q.—And you come from the United Provinces ?

A.—Yes.

Q.—In fact, you are practising in the High Court of Allahabad ?

A.—Yes.

Q.—I have read your memorandum. There are one or two points which I should like you to elucidate for the benefit of the Committee. The first point is this. About half way through the first paragraph of your printed memorandum you say : " It is not free from doubt whether on a strict construction of section 36 of the Government of India Act the Commander in Chief ought to be a member of the Executive Council." I do not quite understand your point. Would you explain it.?

A.—Sections 36 and 37, as they stand, do not say that the Commander-in-Chief shall be a Member of the Executive Council.

Q.—They do not say that he shall be. But there is nothing to prevent him being a Member ?

A.—No.

Q.—That is all what you mean ?

A.—Yes. I just wanted to explain the point that the Commander-in-Chief being the only Member of the Executive Council as at present constituted, who would not be in the Cabinet, not many difficulties would arise if effect were given to this system.

Q.—You advocate the extension of the franchise to all people who pay taxes of any kind ?

A.—I attach great importance to it.

Q.—You do not think that will lower the standard of the electorate ?

A.—I do not think so, having regard to the fact that after all the real criterion is that you should give a vote to the man who will feel the incidence of taxation. Having regard to that principle, I think he will exercise his vote on the whole satisfactorily.

Q.—You would not take it further ? You would not give a man who had no stake in the country a vote ?

A.—Not at present.

Q.—Whatever his educational qualification was ?

A.—It is rather a big question. If this plan were adopted, every educated man would be included. That is my idea.

Q.—I suppose your point will be that every member practically pays tax ?

A.—Every educated man pays some sort of tax or other.

Q.—And if he does not, he is so useless as not to be given a vote ?

A.—I won't attach very much importance to his being included.

Q.—You think that on the whole, the Indian agriculturist is a pretty shrewd fellow ?

A.—Yes.

Q.—You say so from your experience of the United Provinces ?

A.—Yes.

Q.—Do you think that the tenants as a whole have made good there against the landlords ?

A.—You mean during the past four years ?

Q.—Yes. During the past 10 years or 20 years if you like. Speaking generally, do you think the tenant will look after his own interests ?

A.—I think the tenant on the whole is quite capable of taking care of himself.

Q.—Would I be correctly representing you if I suggest that your point is this, that although the rural elector cannot be expected to pronounce much of a judgment on big things, he is sufficiently intelligent to know the man he wants to be represented by, to decide that A or B is the sort of fellow he would like to be represented by in the Council or in the Assembly or in the Legislative Council ?

A.—Yes. I would go a little further and say that not only is he quite capable of making his choice out of two or more candidates but I think on the whole he is capable of forming a sound judgment on broad questions affecting the political welfare of the country. I do not propose to go into detail. Take a broad question. I think he is quite capable of forming a judgment.

Q.—I take it they will have to be explained to him first ?

A.—Yes, I think so.

Q.—The education, then, of the constituency is a thing to which you attach importance ?

A.—Great importance.

Q.—I will take two or three points raised of a minor character. I think you think the President of the Council of State should be elected ?

A.—Yes.

Q.—Is that based on your experience of the last President ?

A.—Well, I think that within eighteen months or two years of the first meeting of the Council the Council was in a position to have its own President and no difficulty would have arisen if we had an elected President.

Q.—That is to say, you think that the procedure had been sufficiently settled.

A.—Yes, I mean to say that points of order had been settled, rulings had been given and case law so to say had been laid down and therefore there ought not to have been any difficulty.

(*Mr. Jinnah*).—*Q.*—Laid down by the last President ?

A.—Yes.

Q.—May I take it that your idea of giving a larger representation to the European Community and the Anglo-Indian Community is based on the idea that though numerically they may not be important, they are owing to their large interests ? Is that your point ?

A.—Yes, that is one, and secondly, if you will excuse my saying so, they seem to be rather in a distracted frame of mind.

Q.—You would pacify them ?

A.—I would rather pacify them by adopting this course.

Q.—You are a great believer in pacification ?

A.—I believe every one has to be who is working a political system especially if it is newly introduced into the country.

Q.—Then, will you accept the view that was given expression to by a witness the other day that good-will is essential to the working of a constitution ?

A.—I believe every man would. I certainly do.

Q.—Your reason for urging the claims of the depressed classes is the same ? You urge the claims of the depressed classes ?

A.—Yes. As a matter of fact, the case of the depressed classes stands on a somewhat different footing. They are very large in population and yet they go without any representation in the Assembly. It is hardly fair.

Q.—Have you got any depressed classes in the United Provinces ?

A.—Very few.

Q.—What is that due to ? To the general prosperity in the country, or to the absence of any very strong caste distinction ?

A.—I think the caste distinction is strong enough. Except Madras I believe United Provinces is more orthodox so far as that goes than any other province. But it seems that the total population is not very large.

Q.—Will you look at paragraph 6 of your memorandum ? You state, "A certain province, which used to be known for its sturdy loyalty, has the singular fortune of possessing an Indian Finance Member."

A.—Yes.

Q.—Is it the result of the appointment of the Indian Finance Member that it is no longer known for its sturdy loyalty ?

A.—Sturdy loyalty used to be a myth and that myth has been discorded and nobody believes in it and all the provinces are more or less loyal to the same extent.

Q.—What is that province ?

A.—Bihar and Orissa,—your province.

Q.—The fact of its having an Indian Finance Member—I suppose it had nothing to do with losing its loyalty ?

A.—No. The province lost its claim before the advent of the Indian Finance Member.

Q.—It might have been read like that ?

A.—I do not mean that.

Q.—I am sure you do not mean that. Would you mind coming to paragraph 9 ? You say, " Practical objections may be urged against the transfer of Law and Justice and conceivably of Land Revenue to popular control in certain provinces." I should like to know what exactly you mean by the next sentence. " I would meet them by giving to the Governor in relation to these subjects the power to veto and to affirm which power is vested in him in relation to reserved subjects under section 50." What exactly does that connote ?

A.—My idea is that section 50 gives power to the Governor not only to vote but to affirm, namely, to impose his will on the majority of the Executive Council if he differs from them. Having regard to the special importance of these two subjects,—strictly speaking they are three in number but I look upon them as two—if that right of veto and affirmation is given to the Governor, then I think future contingencies can be provided for.

Q.—That is, you maintain very considerable powers in the hands of the Governor ?

A.—So far as the administrative side is concerned.

Q.—Paragraph 10. In that paragraph I take it you are referring to the All-India Services, are you not ?

A.—Yes.

Q.—And you feel that their interests ought to be safeguarded in the manner in which you propose ?

A.—Yes. In fact I find that there is considerable sense of insecurity in their minds which may be justified or which may not be justified—that is not the point — but the point is that a sense of insecurity is there. As was illustrated the other day when a certain member of the Committee pointed out that under those circumstances he would not care to be a High Court Judge, I think the same remarks may be applied to the case of the Imperial services, and therefore I think.....

Q.—You are in favour of giving some safeguard to the services,—not only giving that, but making it effective in the sense that it should not be taken away ? You would not like your High Court Judge have his salary voted ?

A.—No.

Q.—You would extend that possibly to other services ?

A.—For the present.

(*Dr. Paranjpye*).—(To Chairman). You were absent and the witness (Mr. Kamat) withdrew the remark that the High Court Judge's salary should be votable.

Q.—On communal representation—Mr. Raza Ali, you attach great importance to it ?

A.—Yes.

Q.—You consider that in the present state of thing out here it is essential ?

A.—Yes.

Q.—I see you mention that the Committee have been causing a lot of trouble by suggesting that it should be taken away ?

A.—Some of the proposals made by certain.....

Q.—Not suggested by the Committee ?

A.—The evidence of some of the witnesses I mean here. I think it has caused unnecessary alarm. But it has caused alarm, there is no doubt about that.

Q.—These communal troubles—are they particularly active in the United Provinces ?

A.—Not very particularly so.

Q.—There is however tension ?

A.—At present there is, but we are much better off than we were last year. Last year was the worst year we have had for some years. Now, the feeling has improved.

Q.—I take it you choose communal representation not as an ideal but as a practical necessity ?

A.—That is exactly so. In fact, I pointed out as far back as 1916 that on the whole it is a wicked system, but in the absence of anything better, that is the only system we can fall back upon.

Q.—Don't you think that if you continued to have elections on those lines you would find it very difficult to form a cabinet—a cabinet acting together, inspired by one aim, prepared to go out on any question of general policy ?

A.—No. That is not what I anticipate. As a matter of fact, I was a member of the pre-reform United Provinces Council for eight years, or a little more than that. Since 1912 I have been a member of some Council or other. My experience is that after the grant of separate representation to the Moslems, which was in 1909 as the Committee knows, the effect of the Moslems was to advance the general cause of the country without very much caring as to how every step in advance in its details would affect them. There was that broad will to co-operate and that was an essential feature of communal representation. I have had experience of its working for eight years or a little more and I can bear testimony to it.

Q.—You have got that representation in your local boards in the United Provinces ?

A.—In the district boards, municipal boards, everywhere.

Q.—It runs through the whole of the administrative machinery in that province ?

A.—Yes.

Q.—And to withdraw it would cause great alarm ?

A.—Yes. It might even cause trouble.

Q.—That is to say, the Muhammadans in the United Provinces look upon it as their safeguard ?

A.—Yes.

Q.—Their *sine qua non ?*

A.—That is so. That is the view they take at present.

Maharaja of Burdwan.—*Q.*—Kindly turn to page 2 of your memorandum. You say, " To improve our relations with the Indian States it is desirable that 2 or 3 Ruling Princes and Chiefs should be nominated as members of the Central Legislature." You are no doubt aware that in the olden days, the pre-reform days, there used to be one or two Chiefs appointed not only to the Central Legislature but also to the provincial councils ?

A.—In my own province we had two Chiefs.

Q.—The Nawab of Rampur and the Maharaja or Maharaja Kumar of Benares ?

A.—Yes.

Q.—Do you think that it is really an advantage to have an Indian Prince working with the constitution of British India ?

A.—As a matter of fact, the reason why I have made this suggestion is that I want to establish some channel of communication between British India and the Indian States. I really do not see what that channel can be. Here there is a provision in the Act itself and I believe we can utilise it.

Q.—You know the Chamber of Princes which has been brought into existence to discuss matters arising between different States. But there of course you have matters relating to these States discussed by their rulers, but it is a very different thing to have rulers of feudatory states or independent states mixing with politicians of British India. What I want to get at is what is the particular advantage you have in mind by associating them with your Central Legislature ?

A.—To bring them in a line with the political thought in British India if possible.

Q.—In other words, you think that they might be converted to give more freedom of the press and give what you call legislative councils to their own states or in their *elakas* if they came into contact with British India ? Is that what you have in mind ?

A.—Yes. Further, I contemplate that they will be pleased not to oppose any measure of further advance when it is contemplated.

Q.—Have yo ever visualised in your mind an independent India *vis-a-vis* the Indian States ?

A.—I wish I did it, I wish I could do it. It is a very big question and I just want to lay some foundation for working out that plan so as to bring the Indian states within the pale so to say.

Q.—Have you, for instance, visualised Mr. C. R. Das, Prime Minister of India, and the Nizam of Hyderabad coming to pay his respects to him ?

A.—I do not think.....

Q.—Have you ever visualised. I do not see how you can really consider this question of having two or three Indian Princes on the Indian Legislature ? It is true you had it in the pre-reform days, but the reformed council is a very different thing from the Council of the pre-reform days. I only ask you because it is a very difficult question as you yourself know, and that is why I put to you, have you visualised the position of an Indian Prince on the Indian Legislature—how he is going to vote and what he is going to vote on ?

A.—I can tell you a very safe place to which they can be sent, namely, the Council of State.

(*Dr. Paranjpye*).—*Q.*—Most harmless ?

A.—Yes. And the atmosphere is supposed to be dignified and there is not much excitement there.

Q.—Will you kindly turn to paragraph 9. You have already explained to the Chairman what you mean " by giving to the Governor in relation to these subjects the power to veto and to affirm which power is vested in him in relation to reserved subjects under section 50." I see you say " conceivably of land revenue ". When you say that, am I to understand that you have in view certain vested rights not only of landlords but of tenants also in the different provinces ?

A.—That is so.

Q.—In Bengal, for instance, you have the permanent settlement ?

A.—I had especially Bengal in mind.

Q.—And in Madras you have the ryotwari system which brings in a very large revenue to the Madras Government, where probably the tenants there, or a large body of them would like to see most of the tracts permanently settled and thereby reduce the land revenue or fix it. Therefore you had these things in mind ?

A.—Yes.

Q.—Namely, that you reserve in the hands of the Governor not only certain powers relating to Law and Order and also regarding these vested interests or rights that had accrued with regard to land revenue ?

A.—Exactly so. I will just illustrate. On the whole that is the position. In some provinces the position to-day is that the landlords either are in a majority or are supposed to be in a majority. Now, take my own province, the United Provinces where the landlords are in a majority. That is not a very effective majority but still they are the majority party. We are going to have the Agra Tenancy Bill. Assuming that full provincial autonomy is in full swing in the province, I do not want to place it in the power of the Ministers, if they belong to the landlord class, to encroach upon the rights of the tenants. On the other hand, take the converse case. Suppose 5 years hence there is a Ministry composed of men who have identified themselves with the tenants. Then I do not in that case want, for instance, to take away the permanent settlement and other things. I want to safeguard the rights of both.

Q.—There is one more question on this point. We had a witness up here from Bombay who wanted to have the Police reserved and he wanted to reduce the reserved side to the ridiculous position of just one member with one reserved subject, the Police. Your idea, I take

it, Mr. Raza Ali, will be to transfer all subjects, but you would give the Governor certain more executive powers well defined to control these subjects or certain aspects of these subjects which are now at present reserved but which you would like to transfer largely to the Ministers ?

A.—As a matter of fact, I want to transfer everything to the Ministers.

Q.—Because you want to transfer everything, you want to give certain more executive powers to the Governor ?

A.—Yes.

Q.—When you do that, do you think the Governor can exercise those powers as the Lieutenant Governor in your own province in the old days used to do or in Bengal, for instance, with a Secretary or a Chief Secretary ? There is no need to have a member of the Executive Council for the powers you would leave to the Governor ?

A.—No, of course not. That is a contradiction in terms.

Q.—That is, whatever power may be left to the Governor he could exercise either with a Secretary or himself, whatever the case may be ?

A.—What I contemplate is that Law and Order will be in charge of a Minister and in order to avoid possible deadlock—which I do not think will really occur very often—I want to vest the Governor with certain powers.

Q.—I have only one other question and that in a way relates to the question of communal representation. I have already put that question to several witnesses. You think that in communal representation at the present moment there is the minimum amount of risk and friction between Hindus and Muhammadans. You do think that for the present it is a great asset ?

A.—Exactly ; that is what I say.

Sir Henry Moncrieff Smith.—*Q.*—Mr. Raza Ali, if communal representation is done away with altogether, would you have any advance ?

A.—Raza Ali would, but his community would not.

Q.—You think the Muhammadan community would be against any advance ?

A.—Yes.

Q.—With regard to your suggestion that Indian Princes and Chiefs should be included in the Legislature, would you throw Indian State affairs open to discussion in the Legislature ?

A.—Simply by asking them to serve on one of the two Chambers of the Indian Legislature ?

Q.—Would you, as a matter of fact, advocate that Indian State affairs should be thrown open to discussion ?

A.—At the present stage or at a future stage ?

Q.—At any time ; now or whenever any advance is made ?

A.—I do not think it is possible to throw them open now, so far as I can see.

Q.—You would not throw them open ?

A.—Not at present, unless the Ruling Chiefs themselves are willing.

Q.—Don't you think that the presence of Chiefs in the Legislature would stimulate the demand to have their affairs thrown open to discussion ?

A.—I do not think I am quite competent to express an opinion, not being a Ruling Chief or Prince myself, but I would welcome.....

Q.—I am asking you as a member of the Legislature. You know there is a tendency in certain sections of the Legislature at present to assert a right to discuss Indian State affairs ?

A.—Yes. If we could carry the Ruling Chiefs and Princes with us, then that would be a very desirable state of affairs, but surely I would not advocate that against their consent.

Q.—You say at the end of paragraph 1 of your memorandum (top of second page) that the electorate rather the agriculturist knows what is good for him and generally speaking for his country and which way their interests lie. If you expand the franchise to the extent you suggest, you think it would still be safe to say that every voter would be able to discriminate between his own interest and the interest of his country ?

A.—I think perhaps you cannot say that there is any country in the world where you can say the same of every voter. But I think on the whole.... (Mr. Chairman : The Majority) the majority understand things.

Q.—Suppose you went to a member of your constituency and told him " you will not have to pay any taxes ", he would understand that. Would he believe you ?

A.—I do not think he will.

Q.—Don't you think that misrepresentations of that class have been believed in the past at all events—not in the very remote past ?

A.—No, no. I do not think the voter would exercise his power of vote by being misled by any class of people. He never exercised the power of vote under delusion.

Q.—I put it to you plainly, Mr. Raza Ali. Did it ever come to your ears that at the last election, canvassing took the following line. " If you vote for Gandhi, you will pay no more taxes ? "

A.—No. It has not come to my ears. I think it is very important that I should make it quite clear, if you will allow me, that if canvassing had gone on these lines in all likelihood I would have known it, since I was myself involved in an election. I had a good deal to do with canvassing for the Assembly election and had a thing like that occurred, I think I would have known it.

Q.—What was the party cry at the last election, Mr. Raza Ali ? You were not a candidate at the last general election ?

A.—I was not a candidate in the sense I was not nominated. Three days before the nomination I withdrew. But still I had toured in my constituency and I had made my preparations.

Q.—The elections took place for the Assembly at the end of last year. Did you see anything of the working of the suffrage ?

A.—As a matter of fact I was working for a friend of mine. I was actively involved in the elections.

Q.—There were party considerations which were put before the voters ?

A.—Yes.

Q.—What were the party cries ?

A.—Well, I believe, broadly speaking, since it is rather difficult to go into details having regard to the time at our disposal, the main cry was that the Liberal Party should not be returned to power, because, as a matter of fact, it was they who were the real cause of the downfall of the national movement. That was the charge brought against them, namely, that if they had joined the Non-co-operators in 1921, the country would surely have got something. It is they who really stood in the way of the country's progress.

Q.—Was there any justification for that allegation put before the electorate ?

A.—Certainly ; the justification was that united we stand and divided we fall. If the country spoke with one voice the Government could not possibly have withstood the demand.

Q.—And it was that statement laid before the electorate which influenced the result of the election ?

A.—I think it did, and I think it did to a very large extent.

Sir Siwaswamy Aiyer.—*Q.*—Mr. Raza Ail, I am not quite able to follow some of the remarks in paragraph 1 of your memorandum. You say " There is a large volume of Indian opinion—opinion entitled to the greatest consideration—which seeks to solve the problem by putting the Ministers in charge of all subjects except foreign and political relations and Defence. There is such a consensus of Indian opinion on the question that at times I begin to entertain serious doubts whether it is right for me to differ from it." Am I to understand that that large volume of Indian opinion includes yourself ?

A.—Subject to what I have said further on. Will you please read on ?

Q.—I do not quite follow. Do you share that opinion or not ?

A.—I do, subject to what I have said further on.

Q.—You say " I begin to entertain serious doubts whether it is right for me to differ from it." That rather suggests that your inclination is perhaps to differ from it, but you have resolved.....

(*Mr. Chairman*).—The word suggests that he does not differ.

A.—Not exactly, Sir. I have two schemes. If you accept the first, it would be good luck to this country and everybody concerned. If unfortunately that does not commend itself to this Committee, in the alternative I have put forward another proposal. That is all.

Q.—I want to make it clear to myself as to exactly what you mean. This sentence rather reads as if you were inclined to differ from that large

volume of Indian opinion. Is that the correct interpretation of that sentence ?

A.—Under certain contingencies, I would differ.

Q.—Then, you say " Be that as it may, it is conceded by the exponents of the scheme that a fixed sum of money not to be put to the Assembly's vote is to be earmarked for the purposes of defence which would greatly reduce the chances of friction." What is the scheme that you refer to ?

A.—The transfer of everything except Defence and Political and Foreign Departments.

Q.—The transfer of all departments—the introduction of responsibility except in military matters ?

A.—Exactly. That would be a happier expression.

Q.—You say " The main reason why I do not urge its acceptance ". That is the acceptance of this scheme, which involves the introduction of responsibility in all except two departments. Is it not ?

A.—Yes.

Q.—You say that you do not urge its acceptance ?

A.—Yes.

Q.—And therefore it means that you are not in favour of the introduction of responsibility in the Central Government except in regard to foreign and political relations and Defence. Is that your idea ?

A.—I have tried to discuss the merits of both—the generally prevalent view of my countrymen and the alternative proposal that I have made....

Q.—I wish to know what your own view is. This sentence in your memorandum means that you are not in favour of accepting the introduction of responsibility except in regard to Defence and political relations. Is that correct ?

A.—It is rather difficult at times to formulate your answer in either ' yes ' or ' no ', as we members of the legal profession know. But if you will allow me to frame my reply, I will say this. There are very considerable advantages that I see in the scheme which has been put forward by almost unanimous Indian opinion. I also realise that the alternative scheme that I have been driven to formulate is open to certain disadvantages from which the other scheme is free. Now, having realised these facts, there are certain other considerations which have weighed with me. These considerations are that this scheme is more workable than my alternative proposal. I must admit that. Subject to all that, I do realise that it will be safer, if certain members of the Committee will excuse my making use of that expression, to have provincial autonomy first and then to transfer these subjects in the Central Government.

(Mr. Chairman to Sir Sivaswamy Iyer).—I think Syed Raza Ali's memorandum makes this point quite clear.

A.—If you will please turn to page 4 of my memorandum you will see.....

Q.—I wish to know what is your alternative scheme with regard to the Central Government ?

A.—My scheme is to place a number of departments in charge of a Minister.

Q.—You say that you wish to place certain departments of the Central Government in charge of Ministers ?

A.—I have used the word Minister in singular, not in the plural. If you convert it into plural, I do not think I can have a very serious objection.

Q.—Then you wish to place certain departments in charge of a Minister ?

A.—Yes.

Q.—What exactly do you understand by a Minister ? Is he not one who is responsible to the Legislature ?

A.—Yes.

Q.—What are the departments which you will place in charge of a Minister ?

A.—My off-hand answer will be that you should place in charge of a Minister, Revenue, Agriculture and Education. If you give me the list of the Government of India Departments, I will be in a position to tell you the number of the departments that I wish the Minister to have.

Q.—At any rate, you know the Members of the Executive Council of the Government of India. Which of their departments would you place under a Minister ?

A.—I am not concerned with the Indian Members or European Members. That is not the consideration that has weighed with me. You should put a number of departments in charge of a Minister, who should be responsible to the Assembly.

Q.—Now I wish to know which of these departments would you place under a responsible Minister ?

A.—I have already mentioned three, namely, Revenue, Agriculture and Education.

Q.—That is practically Sir B. N. Sarma's department ?

A.—Take Sir Muhammad Shafi's department and also Mr. Chatterjee's. That does not matter.

Q.—Then you would like to put in charge of the responsible Minister Sir B. N. Sarma's department and Sir Muhammad Shafi's department. Which other departments would you give him ?

A.—I say give him Revenue, Agriculture and Education.

Q.—That is all Sir B. N. Sarma's department ?

A.—I am very sorry if that is so.

Q.—Then you want to give to the responsible Minister only these three departments ?

A.—Yes. And you can add to these some more.

Q.—It is not a question of pleasing myself. I want to know what will please you ?

A.—If you want to know what will please me as an Indian, I believe you already know that.

Q.—I want to know what will please Mr. Raza Ali as a public man ?

A.—The thing that will please me is the transfer of a number of departments in the Central Government to be in charge of a Minister .

who ought to be responsible to the Central Legislature, namely the Assembly.

Q.—Then you will transfer to him some departments but not all. Do I understand you to lay stress upon the fact that you will transfer to the Minister only some departments but not others ?

A.—To have a start, yes.

Q.—Do I understand that the difference between your scheme and the more popular scheme, as you call it, is that you would like to have fewer departments under responsible Ministers ?

A.—Yes, that is so. Mine is a diluted scheme. The other is a comprehensive scheme.

Q.—Have you any special preference as to which departments you would still keep under irresponsible Members and which you would transfer to responsible Ministers ?

A.—I believe that follows from the trend of my memorandum. But I will not attach very much importance to that. The line is indicated by what I have said there. It is very strongly indicated there.

Q.—With regard to your suggestion about the Ruling Princes. Let us not talk about the distant future. Do you think that the Nizam of Hyderabad will care to sit in that safe place ?

A.—My information is that the Nizam of Hyderabad has not cared even to attend the Chamber of Princes. But surely there are others who will care to come and who will welcome this idea.

Q.—Take the Maharaja of Mysore. He also does not attend the meetings of the Chamber of Princes. Do you think he will sit in the Council of State ?

A.—Perhaps not.

Q.—Then you are thinking of the minor fry ?

A.—I contemplate Princes who are neither too big nor too small.

Q.—Do you think that the Maharaja of Gwalior will care to sit ?

A.—He is one of the biggest Maharajas. He comes perhaps third on the list.

Q.—You want to assign to them that safe place ?

A.—That is my proposal.

Q.—Are you quite happy about your position in that safe place. Are you anemoured of it ?

A.—I do not know what else it can be. That is the difficulty. It was designed to be what it is and it is performing the functions which it was expected to perform.

Q.—I only want to know whether the Ruling Princes would agree to be members of that safe body ?

A.—Very much.

(*Mr. Chairman*).—I do not think Mr. Raza Ali can be expected to say that. He has only made a proposal.

A.—My idea is that they would much rather be members of the Council of State than of the stormy Assembly.

Q.—They would rather not sit with the plebeians ?

A.—I do not know. There are other factors to be taken into consideration.

Q.—You expect two advantages : They would be able to broaden their outlook and you would prevent them from opposing broad and liberal measures ?

A.—If I can induce them to do so.

Q.—Is there not more danger by their throwing weight on the side of stagnation and non-progress ?

A.—So far as the Council of State is concerned, I do not think you can make it worse than it is.

Q.—So you think that their influence may be expected to be quite harmless ?

A.—Absolutely.

Q.—Then what good is it going to do to anybody, either to them or to us ?

A.—As I said in reply to a question put by another Member, the real reason why I have almost gone out of my way to mention this is that this country will realise in course of time that unless it can pacify the Ruling Princes there will be tremendous difficulties in the way of a further political advance and real self-government. I mean to say that it is one of the dangerous points.

Q.—Are you talking of self-government in British India ?

A.—I am talking of self-government in British India.

Q.—Don't you think we had better leave them alone ?

A.—If you can secure my good will, Sir Sivaswamy Iyer, why should you antagonise me. That is the line on which I have proceeded. I do not know whether I will succeed.

Q.—You say in paragraph 5 that the depressed classes should be given representation. Are you particular about their being given representation by one method or the other—by nomination or by election ?

A.—Personally I would prefer election, because nomination, after all, is a very unsatisfactory method of securing representation.

Q.—Do you think it is practicable to secure suitable representatives by election ?

A.—The greatest repository of the depressed classes is Madras of which I have no personal knowledge. I do not know whether the machinery will work well there or not. If it will work, I would rather have election than nomination.

Q.—You say there are various things involved. You must have a suitable electorate. You must lower the franchise to a particularly low point. Would you have special electorates for them ?

A.—In order to let them get on I would not mind giving them special electorates.

Q.—I suppose you regard the system of communal representation as not an ideal system ?

A.—No.

Q.—It is an evil to be tolerated within limits ?

A.—That is so.

Q.—Would you extend the application of the principle of communal representation beyond its present limits or would you keep it as it is, without extending it any further ?

A.—You never know what the proper limits are. That is the real difficulty. As I have pointed out in another connection, separate and communal representation started with the Mussalmans, and now there are so many more communities to which it has been extended.

Q.—I want to ask you whether you would be bound by considerations of logic to extend the application of the communal principle to every community in India ? You know that India is divided into a vast number of communities ?

A.—I suppose I do.

Q.—And do you think it is expedient to extend the principle of communal representation beyond the limits to which it has already gone ?

A.—I do not think I will lay down any hard and fast rule. I will not say that in any case henceforward it is not to be extended to any class or community. But surely I would try to keep it within as narrow limits as possible.

Q.—Would you not rather prevent its further extension ?

A.—Certainly. As a matter of fact I will go so far as to say that one of the greatest achievements that can stand to your credit will be to induce the Musalmans to do away with the communal representation.

Q.—I should be very glad if you would join forces.

(*Mr. Chairman*).—*Q.*—You feel that is not practically possible ?

A.—I said, Sir, if you can induce the Mussalmans, there is absolutely no difficulty.

(*Mr. Jinnah*).—*Q.*—No difficulty in inducing them ?

A.—I believe the President of the All-India League should know better than myself, but if you can induce them, that will be one of the best achievements.

(*Mr. Jinnah*).—*Q.*—What is your opinion ? Is there any difficulty in inducing them to give up separate electorates ?

A.—A great many at present.

Q.—Let us turn to paragraph 6. You say in paragraph 6 you sigh for the time when the Finance Department of the Government of India will be under an Indian Finance Member ?

A.—Yes.

Q.—And would you like to see that time hastened ?

A.—Oh, very much.

Q.—You would have the Finance Department under an Indian ?

A.—The Finance Department ought to have been under an Indian in 1909 when Mr. Gokhale was living.

Q.—Do you draw a distinction between a Finance Member and a Finance Minister ?

A.—One deals with principles and the other with men.

Q.—You would have the Finance Department under an Indian Member rather than an Indian Minister, is that your view ?

A.—No, that is not what I contemplate. I say that, assuming you must have a number of men to serve on your Executive Council and you have these two portfolios, namely, the Home Department and the Finance Department, then try as soon as you can, to put Indians in charge of these two Departments.

Q.—I do not want to assume anything ; I only want to know your wishes and your opinions.

A.—I am telling you my wishes.

Q.—That you want an Indian as a Member or a Minister ?

A.—As a Member.

Q.—You say in paragraph 7, " If the Assembly generally extended its wholehearted support to the Government, the latter responded by consenting to the repeal of certain repressive laws including the Press Act and to a modification of the privileges of European British subjects in criminal trials. The spirit of give-and-take was there in abundance but the system did not work because it is unworkable." That is you think the present system, that is the Central Legislature is unworkable ?

A.—It is unworkable because you put a premium on dead-locks.

Q.—If the present system is unworkable, what is your remedy for it ?

A.—I say give the Assembly something to do. If there is nothing important to do.....

Q.—Somebody will find work for its hands ?

A.—Yes.

Q.—Your solution of the present situation, which you say is bound to lead to dead-locks, am I to understand is the partial introduction of responsibility, confined to departments which can be administered by a single Minister, not two ?

A.—I have no objection to two Ministers, but I have recommended one.

Q.—You do not want two Ministers ; you will be quite satisfied with one ?

A.—I do not think that is putting my position quite correctly. I say that to make a start I would be contented with one Minister being installed at Delhi and Simla—at the Central Government.

Q.—You will be content with that ?

A.—To make a beginning.

Q.—And you would not ask for more ?

A.—No, not for the present.

Q.—You were asked about the question of party cries, and you said the party cry was that the Liberals were the cause of the downfall of the National movement, the party cry was " down with the Liberals " ?

A.—Because of what they had done.

Q.—Do you really think that there are any live political issues now excepting the one of more popular control over the administration or less popular control ? Is there any other question now except the question of transferring more power to the people ?

A.—No, that is the question on which all the Indian political parties are agreed.

Q.—And therefore there is no issue as among Indians themselves ?

A.—Not at present.

Q.—But if there was full responsibility, if the goal is achieved, that would stimulate the growth of parties and party cleavages and party organisations ?

A.—I think so.

Q.—You wanted to enlarge the power of the Government in certain departments with regard to the subject of land revenue to which your attention was drawn by the Maharaja of Burdwan ?

A.—Did you say enlarge ? No, that is not so.

Q.—Will you refer to paragraph 9 ; you would like to transfer Law and Justice and Police and Land Revenue to popular control, and the Maharaja asked you whether you would suggest any safeguards against any misuse or vagaries ?

A.—Against any possible difficulties or contingencies arising in the future.

Q.—And you said that the power which the Governor has should be enlarged ?

A.—No, that power is there under section 50 to-day ; I want to keep it as regards these two departments ; there is no question of enlarging it.

Q.—You mean the power of veto or restoration or certification ?

A.—The power of veto and affirmation, these two things.

Q.—And what I want to know is whether you would increase or provide any greater safeguards with regard to these two departments you propose to transfer, or leave these two departments under existing safeguards ?

A.—I would leave them as they are. What greater safeguards could you have ? They are not necessary because the safeguards provided by the Act at present are left intact. I say, constitutionally speaking, no greater safeguards are required.

(At this stage the Maharaja of Burdwan took the Chair.)

Sir Arthur Froom.—*Q.*—You made a reply to Sir Sivaswamy Aiyer that you could not make the Council of State worse than it is. I do not want to lay any particular emphasis on that remark, but you would not propose to do away with the Council of State ?

A.—If you have taken the remark seriously, I think I must explain. I made the remark in a light-hearted manner. What I meant was this ; in the Council of State, constituted as it is, there is a standing majority in favour of Government. I am not dealing with policy ; I am taking facts as they are. It is therefore immaterial whether A. B. and C. vote for Government, or you replace A. B. and C. by X. Y. Z. The majority vote for Government ; if you replace them by others it makes no difference.

Q.—Resolutions have been carried against the Government in the Council of State ?

A.—Yes.

Q.—The Members of the Council of State are not blindly *pro* Government ; they have carried resolutions against Government ?

A.—Oh, yes.

Q.—I think you might admit that all second chambers in any constitution are generally rather dull ? I fancy the House of Lords is rather dull at times ?

A.—I think it is duller perhaps than we are.

Q.—The Council of State is sometimes compared with the House of Lords, very incorrectly, because the Council of State is an elected body ?

A.—Yes, one should not forget that. To be quite frank, if I thought the Council of State was no good, I would not be a Member of that body to-day.

Q.—I read your memorandum with very great interest, and I formed the conclusion that, on the whole, you were not quite satisfied that any drastic change at the present time in the existing constitution might prove an unqualified success. Am I correct in arriving at that conclusion ?

A.—No, that is not correct. If you want my view in a nut-shell, I would say my position is this. I would ask my countrymen to be a little less impatient, and I would ask the Government to be a little more courageous. As was put by a distinguished administrator, a civilian to the core of his being, Reform should not be afraid of itself. This is just the time, we are at the parting of ways, for Government to take its courage in both hands and to give a really liberal measure of reforms with proper safeguards for important interests. That is what I recommend.

Q.—That is why I arrive at the impression I had formed from your memorandum, because in various places you do quite apparently see that safeguards are necessary ?

A.—If you will allow me to put it in my way, India, so far as I have been able to judge, is in the position in which England was in the year 1832, and I find the arguments which were used against the adoption of the Reform Bill of 1832 are mostly the arguments which have been put forward by a certain section for the consideration of this Committee. Having regard to the number of electors too, I think the analogy is a very close one.

Q.—I was referring to the last few lines in paragraph 2 where you said you would provide for the administration of the Ministers' departments being taken over by a member of the Executive Council in case of emergency ?

A.—What I meant was, I hope it will never happen, supposing the Central Provinces experience is repeated at the Central Government, there must be some safeguard to enable the Government to carry on with these departments.

Q.—Still under the present Reforms you admit a certain amount of progress has been made in the past three years ?

A.—Certainly.

Q.—And you agree that progress is of an educative nature ?

A.—Yes.

Q.—Members who came up to the Assembly did not know very much about political work and legislative work before and they have learnt a good deal. We in the Council of State have perhaps learnt something ?

A.—I think they have.

Q.—Then do you think that the present constitution, from the point of view of the fair-minded man you are, has had a reasonable trial from its very start ?

A.—Perhaps you will please look at what I have said there. I think in fact that the experiment in itself carried the germs of failure in it. I mean to say after all we have got dyarchy, and I do not base my opposition to dyarchy on the evidence given before this Committee.

Q.—We will leave your answer at that—that the experiment carried the germs of failure in it ?

A.—Yes.

Q.—What I am trying to get at is that when this reforms constitution was started, a certain group of politicians would not have anything to do with it—they would not even give it a trial ?

A.—That is a fact—a stern fact.

Q.—That is not the sort of attitude you would adopt ?

A.—Oh, no.

Q.—Then after the first three years these same politicians or a certain section of them turned round and entered the councils as a Swarajist Party ?

A.—Yes.

Q.—And then having entered the councils, they continued in the councils their obstructive policy ?

A.—They did.

Q.—With that in your mind, do you think that is giving this reform constitution a fair trial ? You would not have adopted such an attitude ?

A.—Of course not. As a matter of fact if you will please see, in expressing my opinion about the working of the Assembly I have entirely based it on the first three years' working of the Assembly by the Liberal Party. I confine myself absolutely to that ; and so far as the provinces are concerned I am not altogether guided by the evidence given here. I say the system was faulty as it was introduced.

Q.—And do you think it would be altogether reasonable—supposing this Committee or supposing anybody was examining this scheme would you consider it to be altogether reasonable to adopt the view that further powers may be given now—three years is a very short time ?

A.—I know it is a short time. If you will excuse me I would say that your starting point is wrong. We should not start with the year 1921. I would rather start with the year 1892. British policy in this country has been too slow and too cautious. My own feeling is that this country should have got in 1892 what it got in 1909 ; and what we got in 1920 we should have got in 1909. I know what you mean when you say that three years' working is not enough ; but I would take the starting point from the year 1892—which means more than 30 years now.

Q.—You would have introduced the present reforms in 1892 ?

A.—No ; in 1909.

Q.—Anyway you think it has been slow all along ?

A.—Very slow. Government have been too cautious.

Q.—And on the other hand, you say that you would like your people not to be impatient ?

A.—Exactly.

Dr. Paranjpye.—*Q.*—Mr. Raza Al, I see about the middle of the first page you say " I realise that all the subjects in the provinces must be

transferred to popular control before a substantial element of responsibility is introduced in the Central Government." Don't you think that would lead to a great deal of disputes, to put it very mildly, between the Central Legislature and the provincial legislatures ?

A.—I can see there are a number of questions on which differences may arise.

Q.—There will be differences then, and when such differences arise, a responsible provincial legislature would be in a far stronger position generally than an irresponsible Central Legislature ?

A.—Yes, that is so.

Q.—It will have popular support behind it ; and consequently the position of the Central Government will be very much weaker ; they will not be able to have their own way in a legal way ?

A.—In fact, the pressure of public opinion will be felt by them more acutely than it is now.

Q.—And it will be on the side of the provincial government ?

A.—Yes.

Q.—So that do you still adhere to this proposal that there should be complete provincial autonomy before any popular control is given in the Central Government ?

A.—Have I said "before *any* popular control" ?

Q.—Well you say "before a substantial element of responsibility."

A.—That is it. I don't minimise the importance of a substantial measure of responsibility in the Central Government.

Q.—My point was whether you agree that that requires a little modification. Along with provincial autonomy there ought to be simultaneously responsibility in the Central Government, otherwise it would lead to practical inconvenience.

A.—The greatest exponent of that view lately has been Mr. Lionel Curtis, but I don't agree with that view.

Q.—You think these two things should be done simultaneously ?

A.—Should not be done simultaneously, or rather may not be done simultaneously. I would have provincial autonomy first. With the introduction of a substantial measure of responsibility in the Central Government, the growth of responsibility in the Central Government will come.

Q.—What is your remedy in the case of disputes between the Central Government and a provincial government ?

A.—Differences there will be but not of such an acute character as to lead to deadlock. As you know—none knows better than yourself having worked the system—there are differences and differences but these differences will be of a kind which can always be compromised and accommodated.

Q.—Well, take the case of a repressive measure. The provincial government is opposed to take such a measure, while an irresponsible Central Government wants it to do so. What will happen ?

A.—If you confine yourself to my scheme I make certain suggestions by which your responsible Government in the provinces will be liable to be voted by the Governor. I do contemplate that contingency to tell you the truth, and I have provided for it.

Q.—But after all it is to be administered by a Minister.

A.—But I provide for certain safeguards in the working of the system, namely, I would retain the present section 50 of the Government of India Act.

Q.—Suppose the Ministers of the provinces refuse to have anything to do with such a repressive policy ?

A.—It will be open to them to do so ; then the responsibility will be that of the Governor.

Q.—You will leave the Governor to administer all these departments ?

A.—Take the case of A who is going to visit a certain province. The Government of India think that A should be arrested for certain reasons ; he is an agitator and so on. Well, they ask the Local Government to do so. X being a Minister refuses to take action. Then if the Governor is prepared to take the responsibility, let him overrule the Minister and let him arrest A.

Q.—That is a single individual action. Take a wider case. For instance, the Government of India wants to introduce a Bill something like Dora—some measure like the Defence of the Realm Act during wartime. They want to stop a particular movement—shall we say a particular political movement in a particular province. The Legislature of that province and the Ministers who are responsible to that Legislature are opposed to it.

A.—You contemplate a provincial measure ?

Q.—After all the measures have to be taken by the provincial governments.

A.—Quite. You contemplate a certain piece of legislation is before a certain provincial Legislature of an awkward nature ?

Q.—Yes. The Legislative Council and the Ministers responsible to it say they will have nothing to do with it, and the Government of India wants the measure to be carried out. The Ministers naturally will resign. Will the Government of India be in a strong position in carrying out their policy in the teeth of this provincial opposition ?

A.—Excuse me ; in this case the Ministers need not resign. The Ministers and the Council being in agreement the Governor can have recourse only to the power of certification. Why should the Ministers go out ?

Q.—I think the Ministers will go out because they are opposed to the policy which is to be carried out by their departments.

A.—Excuse me, that is not the interpretation I put on the Government of India Act and the Joint Parliamentary Committee's report at all.

Q.—So you want to have the Ministers only as glorified heads of departments which are to carry out the orders of the Government.

A.—Not a bit of it. Under the Act, it will not be the Ministers who will carry out those orders. It will be the Governor who will enforce the orders and the responsibility will be the Governor's.

Q.—But the departments are being administered by the Ministers, so that the departments will have to carry out orders to which they are opposed.

A.—No, the Governor will be doing it. I don't quite see the constitutional point.

Q.—Very well, we will leave that subject. You next mention that all people who are paying any kind of tax should get the vote. I can understand the position as to manhood suffrage, but what relation is there between a man who pays a tax in a municipal area for keeping a vehicle for hire—what particular claim can he urge for having a vote against a man who is not paying any taxes ?

A.—Because that tax has been levied either in pursuance of an Act passed by the Legislature or in pursuance of the rules made under the Act. Therefore that man, though he pays a very small amount, is greatly interested in the question of having the right type of persons in power. That is the test recognised in all countries.

Q.—Not municipal taxes.

A.—No, but I carry that further in the case of India. He will be a man who will have some stake in the country.

Q.—But his stake amounts to the possessing or hiring of a certain conveyance.

A.—Which again gives him a certain position which is not enjoyed by the man who pays no municipal tax.

Q.—Now as regards your proposal to bring in the Ruling Chiefs and Princes—don't you think that the elected members of Council, seeing that outside people are taking part in the administration of their own affairs, will claim a voice in the administration of Ruling Princes ?

A.—If you claim a voice with the consent of the Ruling Princes I would welcome that consummation. In fact, that is what I aim at.

Q.—But obviously you cannot allow anybody to interfere in your affairs who is not actually concerned with them ?

A.—May I take it that by that you mean that we should not allow Ruling Princes to sit on that body ?

Q.—That *prima facie* appears to be right.

A.—Yes, it is ; I don't deny that ; but I think that if the scheme is successful, which is very doubtful, perhaps something like a *rapprochement* might be effected between British India and the Indian States.

Q.—Well, I come now to your paragraph 9. You wish to give Governors very large powers in connection with certain subjects. You want nominally to transfer them to the Ministers, but you wish to reserve large powers to the Governor. I suppose you have been in touch with the evidence given before this Committee ?

A.—Yes, I have gone through the bulk of it. It is not right to say that I propose to give very large powers to the Governor. As a matter of fact I want to improve the conditions as they exist to-day under section 52, sub-section (3), under which he can overrule a Minister on every point.

Q.—But you cannot do it under the present Act. If you intend to do away with the whole of the Executive Council, you will have to amend the Act.

A.—I would do away with the Executive Council.

Q.—So you would amend the Act in any case ?

A.—I take it for granted that it will be amended. What I meant was that it will be a considerable improvement on the present constitution. At present the position of the Ministers is hopeless.

Q.—You are making it more hopeless in other Departments,.....

A.—No, excuse me.

Q.—When you give the Governor wide powers of over-ruling the Ministers in those Departments ?

A.—Only as regards two—Law and Order and Land Revenue. I am not quite sure about Land Revenue, but to be on the safer side, I have included it. Conceivably, as I say, in certain provinces, that might be necessary.

Q.—Look at the last but one sentence in that paragraph. You say : " As regards the administration of the other subjects he may be empowered to refer a question to be considered at a meeting of all the Ministers but may not overrule a unanimous Cabinet. " I suppose you know that even if in a Cabinet a decision may not have been arrived at unanimously, still whatever decisions are arrived at are to be loyally carried out by the whole Cabinet ?

A.—Yes. I do not contemplate that in the case of these departments. I quite see that.

Q.—Whatever internal difference there may have been before a decision was arrived at, the decision when arrived at should be regarded as unanimous and should be loyally carried out by all the colleagues.

A.—Yes.

Q.—But by your proposal, when you say that the Governor may not overrule a unanimous Cabinet but may overrule a Cabinet in which the opinion was divided, would you not be giving large powers to the Governor—just to appoint one Minister out of five who will generally agree with him and therefore will give him frequent opportunities to overrule a non-unanimous Cabinet ?

A.—The scheme is not free from a certain amount of risk, but the risk is so small as to be almost negligible, and therefore, I would take it.

Q.—How would you constitute such a Cabinet ? Would you appoint the Chief Minister in the beginning and ask him to select his colleagues ?

A.—Unless there are parties on clear cut lines I do not see how you can have a Chief Minister and ask him to select the others.

Q.—He will select such as would ordinarily support him in all the proposals that he wishes to make within his regime. They may not necessarily agree on all subjects under the Sun but they may agree on subjects which are likely immediately to come forward and that is possible in several countries where there are groups.

A.—I believe you are assuming the case of a Legislature where one party has an absolute majority.

Q.—No, no. With two or three groups, forming a working arrangement, so as to carry on the Government satisfactorily to the groups.

A.—You mean a coalition ?

Q.—Yes. One of them will be Chief Minister and he will select his colleagues from the various groups.

A.—The only difference is, that instead of giving that power to the Governor, you give it to the Chief Minister.

Q.—This Cabinet will be always unanimous and the Governor will never have an opportunity of vetoing that Cabinet according to your supposition.

Q.—Is that quite so ?

A.—No, that is not my view. I was just trying to understand your position. I think my scheme will work perhaps a little better than the one suggested by you.

Q.—The Ministers are to be appointed by the Governor as particular Ministers and not as Members of a Cabinet. Is that your view ?

A.—I contemplate the case of the Ministers for some time to come being appointed by the Governor.

Q.—Separately, irrespective of their colleagues ?

A.—Irrespective of their colleagues, unless there is a clear majority of one party in the Legislative Council.

Q.—Presumably, according to your scheme, you would allow these Ministers to speak against each other, if they don't think alike.

A.—If they don't think alike, I believe they will be defeated soon, and the sooner they go the better. They will come to grief very early.

Q.—That is the logical result of your proposal ?

A.—I don't see that. I do not look upon it in that way.

Q.—Let us come to the next paragraph (paragraph 10). You say that " the ultimate object of every province should be to constitute its own services from the lowest to the highest." Have you formed any ideas about the constitution of these services ? We had some talk about patronage. What is your idea with reference to the patronage, whether it should be in the hands of the Ministers or not ?

A.—It is rather a difficult matter. That is one of those petty difficulties with which the path is beset.

(*Mr. Chairman*).—*Q.*—The question put to you is this. Would you give the Ministers the power of making appointments by way of patronage in support of their own party or would you not ?

A.—I do not see how on the whole you can deny that.

Q.—You know that some sections in the Government of India Act relate to the Public Services Commission ?

A.—Yes.

Q.—By means of which a good deal of the patronage would be taken out of the hands of the Ministers.

A.—Yes.

Q.—Would you support such a scheme of all appointments being made by the Public Services Commission subject possibly to certain broad rules—I do not mind even if there is communal representation, in the services, but subject to the rules—by open competition ?

A.—I am not at present for having a Public Services Commission. I am opposed to that. As a matter of fact, my position is this. The services should be under the Government of India and they should be responsible to the Government of India and not to the Secretary of State.

Q.—But you say here that each province should have its own services from the lowest to the highest. You don't contemplate any more responsibility to the Government of India.

A.—If you will please read three lines on you will find it. That is the ultimate goal.

Q.—I am talking about the ultimate goal. I am not talking about the present position.

A.—I cannot conceive of any provincial autonomy unless the provincial Government controls its services.

Q.—Do you want to have any safeguards against the abuse of this patronage—against, for instance, the introduction of a spoil system as it has arisen in several very advanced countries ?

A.—No.

Q.—Would you have any safeguards against the spoil system ?

A.—Well, I think, to make a start, I would give the patronage to the Ministers and see how it works. If there are any abuses, it will be always open to the Legislature to rectify.

Q.—You have read of the spoil system in, say, the United States of America ?

A.—Good God ! That is intolerable. I do not think we will ever come to that. I hope not. I hope never.

(*Mr. Jinnah*).—*Q.*—We are more advanced than the United States ?

A.—Most certainly, in many directions we are.

Q.—You speak a good deal about communal representation. I believe you have agreed theoretically at least with some of my colleagues that this communal representation is an evil to be only tolerated and to be done away with as soon as possible ?

A.—In theory I am with you.

Q.—Have you formed any ideas about the gradual steps by which this evil can be eradicated ? Or is there only one step, namely, communal representation exists to-day, the whole of it goes to-morrow ? Have you formed any ideas about the gradual steps by means of which this communal representation should in time disappear ?

A.—Oh, yes, I have been considering this question since the year 1914—that is, for the last ten years.

Q.—What are the gradual steps ?

A.—Well, the Mussalmans are so touchy about it that I do not think it will be proper to go into the question. Surely a scheme can be formulated later.

Q.—I will suggest a scheme. Would you say whether you agree to it ?

A.—I would rather not, if you will excuse me.

Q.—Suppose I put to you the skeleton of a scheme like this.

A.—If I don't want to disclose my own scheme I do not think you will expect me to express any opinion on yours.

(*Mr. Chairman*).—*Q.*—You are not willing to answer the question ?

A.—That is what it comes to.

Q.—At the last election the cry was practically " Down with the Liberal Party." Was not also the cry at that time this, that the Liberal

Party expected a good deal out of these reforms, but that their expectations and their good-will have not been reciprocated by the Government, and that is why their policy failed ?

A.—That was the Liberal cry, I believe. If I mistake not, that was the Liberal cry.

Q.—And it is on account of the cry against the Liberal Party that they did not succeed in the last election ?

A.—Of course, there were so many contributory causes, but the real cause I have given to Sir Henry Moncrieff Smith.

Q.—That the Liberals were traitors ?

A.—I won't use that expression. It is offensive. But it comes to that unfortunately.

Mr. Jinnah.—*Q.*—Will you look at your first paragraph ? You say that a large volume of opinion is in favour of this proposal, that all the subjects must be handed over to the Ministers in the Central Government responsible to the Legislature except Foreign and Political relations and Defence ?

A.—Yes.

Q.—Then in paragraph 2 you say that political life is a series of compromises between alternatives, and you suggest that some departments only should be transferred. Is that not so ?

A.—Yes.

Q.—You are not opposed to the first demand which is universally supported ?

A.—No, I am far from opposing it.

Q.—Then, you suggest that this alternative is by way of compromise ?

A.—Yes, that is what I have pointed out.

Q.—I can quite understand the wisdom of your alternative. If you canrot get what you want, take a little less. That is the idea, I suppose ?

A.—Exactly.

Q.—But supposing that alternative was brought into being or established, I suppose you are aware that it will be nothing less than dyarchy ?

A.—A diluted form of dyarchy.

Q.—It will be a full form—the fullest form of dyarchy.

A.—I do not think so. It will be somewhat different.

Q.—The alternative that you suggest is transfer of one or two departments.

A.—Yes, I contemplate two or three. The number is not very material.

Q.—A substantial portion transferred and a substantial portion reserved.

A.—I should think most of the departments not transferred and some departments transferred. That would be strictly the position I have in mind.

Q.—Supposing only say Post and Telegraph was transferred. Will that satisfy you ?

A.—Well, I believe if there was.....

Q.—Let me make it clear to you. What you really mean is this, that there must be not necessarily half actually—we won't take the actual proportion—but that a substantial portion should be transferred and a substantial portion should be reserved.

A.—Yes.

Q.—That is dyarchy.

A.—In fact, I have used the expression " it would be something like dyarchy. "

Q.—No. It is full dyarchy.

A.—I do not know.

Q.—What is dyarchy otherwise ?

A.—Dyarchy is this. I believe the real difficulty arises, so far as I have been able to study the question though I have had no opportunity.....

Q.—Surely, Mr. Raza Ali, you know what is dyarchy.

A.—I suppose so.

Q.—Will it not be dyarchy in its fullest form as it prevails in the provinces ?

A.—I do not think it will be in the fullest form.

Q.—How do you distinguish between the two ?

A.—The evidence that has been given before you.....

Q.—I am not concerned with the evidence. I am concerned with the constitution. How do you distinguish your scheme in the Central Government which you just now stated was different from the dyarchy which prevails in the provinces now ?

A.—I do not say it will be materially different. I never claimed that. It will be somewhat different, and if you want me to explain that, I believe I can do it.

Q.—There is no material difference ?

A.—It won't be material difference. That is true.

Q.—Now, we get on to the next point. I see that so far as the provinces are concerned, you advocate provincial autonomy.

A.—Oh, yes, I do. In fact, dyarchy is political bigamy, which I can never tolerate.

(*Dr. Paranjpye*).—*Q.*—But you support it in the Central Government ?

Q.—If you want provincial autonomy in the provinces would you not have your Governor as a constitutional Governor ?

A.—Not to begin with.

Q.—What kind of Governor would you like to have ?

A.—Well, he will be a Governor suited to the peculiar conditions of India. That is how I can define the position.

Q.—Not bigamy ?

A.—No, nothing of the sort.

Q.—You see when you say provincial autonomy it means a Government in this sense that the Ministers will form the cabinet and they will be responsible to the Legislature ?

A.—It will save time if I point out at once.....

Q.—I want to understand what is your meaning of provincial autonomy ?

A.—I have never used that word in the whole of my written statement because I know that at this stage it is not possible to have what is known as constitutional provincial autonomy. Subject to certain limitations I will have provincial autonomy.

Q.—When you say provincial autonomy subject to certain limitations, do I understand that the fundamental principle—let us get to some principle of constitution.....

A.—That is what I am trying to.

Q.—That is what I am trying to understand. Do you mean that the Executive will be responsible to the Legislature in your provincial autonomy or not ?

A.—On most of the questions, not on all.

Q.—On what questions the Executive will not be responsible to the Legislature ?

A.—That you will find in one of the paragraphs here where I mention—paragraph 9—Law and Order, and conceivably Land Revenue—it may not be Land Revenue in all the provinces.

Q.—Then the Executive will not be responsible to the Legislature with regard to Law and Order, Land Revenue, and what else ?

A.—No. These are the only two I have suggested.

Q.—To whom will they be responsible ?

A.—Of course, they will be responsible to the Legislature but subject to that responsibility the Governor will have the power of overruling the Ministers in certain contingencies.

Q.—And the Legislature ?

A.—Of course, if he overrules the Ministers he overrules the Legislature. It follows.

(*Sir Sivaswamy Aiyer*).—*Q.*—You mean tempered responsibility ?

A.—Put it that way if you like.

Q.—You know that a constitutional Governor has got a veto ?

A.—Yes.

Q.—Any measure which is passed by the Legislature can be vetoed by the Governor ?

A.—Excuse me. I am talking of administrative measures. I am not talking of the legislative functions.

Q.—You are not talking of the legislative ?

A.—Not in this connection.

Q.—So far as Legislature is concerned, even with regard to Law and Order and Land Revenue, the Ministers should be responsible to the Legislature ?

A.—Subject to that right of veto which is there already. You have got the right of veto in three-quarters at present.

Q.—Have you carefully considered this question ?

A.—Rather I should think so though I have not worked on any committee.

Q.—Then you say that the Minister in charge of Law and Order and Land Revenue will be responsible to the Legislature, but in administrative matters he will be responsible to the Government, is it not ?

A.—No, no. My position is this. If you will give me an opportunity of expressing my opinion on the question I will do so.

Q.—My question is a very simple one.

A.—In the beginning I thought so, but now I have changed my opinion.

Q.—I put to you again, to whom would the Minister in charge of Law and Order and in charge of Land Revenue be responsible ?

A.—He will be responsible to the Legislature as he ought to be in every system of representative government, but I will explain myself once for all to avoid any trouble. I divide the functions of the Legislature and the Ministers into two groups. First there comes the administrative sphere, then there comes the legislative sphere. In the administrative sphere, if the conditions were normal in India, the Minister would be absolutely responsible, and it ought not to be open to the Governor to veto him on any administrative question. But since the conditions are peculiar unfortunately in this country, therefore for some time I would give that right of veto as regards administrative questions to the Governor. So far as the legislative activities are concerned, the veto at present resides in three authorities, in the Governor, in the Governor General and in His Majesty. That is the position.

Q.—Then you would give the power to the Governor to override the Minister in any action that he proposes to take of an administrative character ?

A.—Yes, if he thinks fit to do so.

Q.—You are giving the power to the Governor to override the Minister if he thinks fit to do so, in any action that the Minister may propose to take of an administrative character ?

A.—Yes, subject to this condition that the Governor's action must be based on considerations of safety and tranquillity obtaining in the country.

Q.—Before he does that would you provide for any meeting ?

A.—No, not necessarily in these two cases.

Q.—You do not provide for any meeting of the Cabinet with the Governor ?

A.—Because I assume.....

Q.—I want first of all an answer yes or no ?

A.—It is very difficult to answer yes or no.

Q.—Surely you can say yes or no and then you can give your because ?

A.—There are many questions as regards which I cannot do that. As a matter of fact I contemplate that the Governor will explore every avenue of coming to satisfactory settlement with the Minister or Ministers.

Q.—Is he to give that decision after consulting the Cabinet or not ?

A.—I expect he will do that after consultation.

Q.—Then you will provide for this that when the Governor decides to override the Minister in any administrative action that the Minister takes or proposes to take, he would have a meeting of the Cabinet ?

A.—I should think so. I do not say that clearly, but that is what I contemplate.

Q.—Then would you have the matter voted upon by the Cabinet or not ?

A.—I think if it comes to the Cabinet it cannot help being voted upon.

Q.—And if the majority or if the Cabinet unanimously disagrees with the Governor ?

A.—On these two questions even if the Cabinet unanimously disagrees with the Governor it will be open to the Governor to interfere.

Q.—On these two points ?

A.—Yes.

Q.—On matters administrative ?

A.—Relating to the administration of these two departments.

Q.—That is your scheme ?

A.—That is my suggestion. Scheme is a grandiloquent word. I would say that that is my suggestion.

Q.—However, that is your scheme in short ?

A.—That is what I suggest.

Q.—When you talk of section 50 in paragraph 9 you mean that the principle of section 50 ought to be applied ?

A.—Yes, it comes to that. I mean the power contemplated by section 50. I say, " which power is vested in him in relation to reserved subjects under section 50."

Q—So far as the Council of State is concerned, I suppose it is perfect, there is no imperfection except that you want your elected President ?

A.—Nothing is perfect in this world, but so far as it is given to poor mortals to be perfect.....

Q.—So far as human institutions go ?

A.—I believe the Council of State is not full of imperfections.

Q.—I do not suggest that it is full of imperfections. The reference to us is to find out imperfections. I wanted therefore to know whether there are imperfections so far as the Council of State is concerned besides the two that you have mentioned, one that you want to elect your own president, and the other that you feel much to your disgust I suppose that there is a standing majority which Government can command ?

A.—I won't put it like that. Yes, you will please go on.

Q.—I will omit the words if you will like ' much to your disgust.' Shall I say much to your dislike ? Do you like a standing Government majority ?

A.—At times really we feel that the Government ought not to be in a position to command that majority always.

Q.—How would you remedy that ?

A.—Do you want me.....

(*Mr. Chairman*).—*Q.*—Is there a Government majority in the Council ?

A.—Practically there is.

(*Mr. Chairman*).—If all the members attended that would not be so.

A.—(To Mr. Jinnah) : If you want to go into this question I will certainly give my views.

Q.—If you make a complaint about a thing I think you will admit that I am justified in asking you how you would remedy it ?

A.—The Council of State was founded, as all second chambers are, to perform certain functions. Whether it has performed those functions or not during the short time that it has been in existence it is perhaps a little premature to say.

Q.—You have not had enough experience after nearly four years ?

A.—Looking at the nature of the questions with which we generally deal I think that four years is a little too short to pronounce judgment on the success or otherwise of.....

Q.—May I take it that it is perfect, that there is nothing to find fault with ?

A.—No. Excuse me. Since you have asked me I will go into this question. Non-officials ought to be in a majority on that Council. I do not think that ever since the constitution of the Council, the Government have exercised their right of nomination in quite a sound manner. I do not know on what considerations the nominations are based, but surely the nominations that have been made by Government to that body tend to bring about this result that those gentlemen who are nominated, as a rule, vote with Government. That has been the practice.

(*Mr. Chairman*).—*Q.*—Then you would prefer that Government should nominate members who would vote against them ?

A.—No. That would be the other extreme. In nominating a man I won't make it a condition that he should vote with Government or that he would be expected to vote with Government.

(*Mr. Chairman*).—*Q.*—Is that a condition ?

A.—I also said, expected to vote with Government. So far as the actual arrangement is concerned, I know nothing about it.

Q.—Do you suggest that when members are nominated they are expected by Government to vote in their favour ?

A.—I do not know whether they expect them to do so, but they do always vote with Government. That much I can say.

(*Sir Henry Moncrieff Smith*).—*Q.*—Always ?

A.—Almost always.

Q.—Except when the Government is not particular or keen on a point ?

A.—If Government are not very keen.....

Q.—Then they get their freedom to vote as they like ?

A.—Yes.

(*Sir Sivaswamy Aiyer*).—*Q.*—I hope you confine your remarks to the nominated members of the Council of State ?

A.—Yes, I am talking of the nominated members.

Q.—Is there anything else about the Council of State ?

A.—That is a question by itself, namely, whether you should have the Council or not. At present—speaking quite frankly before this Committee—I am inclined to take the view that we should retain the Second Chamber. That is my frank opinion at present.

Q.—For how long ?

A.—Say for another 3 or 4 years.

Q.—But, I am now concerned with improvements. Is there any other improvement that you can suggest ?

A.—My difficulty is this, I could suggest many improvements, but they might lead to bring the Council of State into conflict with the Assembly, which would be a most undesirable thing so far as the political future of India is concerned. It is not that I have not got any schemes to propose, but having regard to this most important consideration, I have purposely abstained from making any proposals.

(*Sir Arthur Froom*).—*Q.*—Can you tell this Committee the number of elected members and the number of nominated members of the Council of State ?

A.—Nominated members are not more than 8 or 10, elected members are about 25.

(*Sir Arthur Froom*).—*Q.*—No. I will give you the figures—33 elected members, 27 members nominated by Government of whom not more than 20 should be officials, so that we have 7 nominated members ?

A.—No. Technically speaking Mr. Khaparde is a nominated member and that makes 8.

(*Sir Arthur Froom*).—*Q.*—The elected members are in a majority ?

A.—Yes, they are in a majority.

Q.—You know how the elected members of the Council of State are now elected. Don't you ?

A.—Yes.

Q.—Because you were elected yourself ?

A.—Yes.

Q.—It is really more on the territorial franchise. Is it not ?

A.—It is very high franchise and it has been intentionally made high, so that the representatives should serve the purpose which they are wanted to serve.

Q.—As a revising, correcting chamber ?

A.—You may use that expression. That was the whole policy underlying the constitution.

Q.—Do you prefer that the members of the Council of State should be elected by the provincial councils ? Would that be better ?

A.—I have too much of that ancient Greek spirit in me. I am for direct elections. I would not have the voters twice removed from the representatives.

Q.—Would you suggest that the electorate should be enlarged ?

A.—A little, yes ; not much, if you want the Council of State to serve the same purpose as it is serving—as a second chamber.

Q.—As a correcting chamber. There is one thing more, and that is about the Secretary of State's Council. You say that ought to be done away with ?

A.—That is what I say.

Q.—To whom would you assign the functions of the Council of the Secretary of State for India ?

A.—I think that many of those powers should be transferred to the Governor General in Council. There will be no justification for keeping the financial control with the Secretary of State. I suggest that you should transfer most of these powers to the Governor General in Council.

Q.—All the functions that are now performed by the Council of the Secretary of State for India should be assigned to the Governor General in Council ?

A.—Most of them, yes.

Q.—What will you do with the rest ?

A.—There are some unimportant ones.

Q.—What will you do with them ?

A.—Give them to the Secretary of State. It does not matter. I do not think it makes any difference whether you give them to one individual.....

Q.—Without his Council ?

A.—Of course, without.

Q.—What will be the position of the Secretary of State ? What position would you give him then ?

A.—I believe it will be as it is. He is more or less an autocrat and he will continue to be so.

Q.—I am not trying to get into the constitutional position. He may be an autocrat or he may not be. If you do away with one thing, then you have got to provide for that somewhere else ?

A.—I am telling you—give those powers mostly to the Government of India.

Q.—You said that most of those functions should be assigned to the Governor General in Council and the other minor matters should be assigned to the Secretary of State without his Council. We got so far ?

A.—Yes.

Q.—What will be the position of the Secretary of State for India *vis a vis* the Government of India then ? Have you considered that ?

A.—You mean those matters in which the Secretary of State himself retains the financial control ?

Q.—If you transfer all the functions of the Council of the Secretary of State for India, to the Governor General in Council here, then don't you see that all the revenue will be in their hands and various other things will be in the hands of the Government of India. Then what would be the position of the Secretary of State for India ?

A.—The Secretary of State will retain the position which he has to-day. Take for instance the budget.

Q.—I will put it to you straight in order to save time. Will you reduce him to the same position as the Secretary of State for the Colonies ?

A.—Ultimately yes.

The Chairman thanked the witness, who afterwards withdrew.

Wednesday, the 27th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. Chitale on behalf of the Bombay Presidency Association.

EXAMINED BY THE CHAIRMAN.

Q.—Mr. Chitale, you desire to give evidence on behalf of the Bombay Presidency Association ?

A.—Yes.

Q.—Will you tell the Committee something about this Association ?

A.—We have got 450 to 500 members. It is the oldest political association in Western India.

Q.—Where are its headquarters ?

A.—In Bombay.

Q.—What are your qualifications for membership ?

A.—There are two kinds of members—resident members and mufassil members. Originally it was a liberal organisation but now it is mixed up.

Q.—Is it mainly composed of Hindus ?

A.—No. We have Hindus, Christians, Parsees and Muhammadans. In fact, all the castes are represented.

Q.—What is the proportion of Muhammadans ?

A.—I am afraid they are few. I think they number about 30 to 35. They are about one-tenth of the whole membership.

Q.—Do you have any subscriptions ?

A.—Yes, we have.

Q.—Have you got a balance sheet ?

A.—Yes. It is published in our report.

Q.—Are you registered under the Companies Act ?

A.—There is no registration. The Companies Act does not apply to political associations.

Q.—Why not ?

A.—I do not know. But our Association has not been registered.

Q.—Have you ever tried to register your Association ?

A.—Our senior people have not registered our Association.

Q.—Who is your head or President ?

A.—Sir Dinshaw Maneckji Petit.

Q.—What is your position in the Association ?

A.—I am a Mufassil member for over 20 years.

Q.—Do you hold any office ?

A.—No.

Q.—Have you been deputed by the Association to give evidence before this Committee ?

A.—They desired me to write out the memorandum.

Q.—And you circulated it to members and they approved of it ?

A.—It was discussed and adopted by the Council.

Q.—What is the Council composed of ? How many members has it got ?

A.—The Council is composed of elected members.

Q.—Is Mr. Jinnah a member of the Council ?

A.—He is the Vice-President.

(*Dr. Paranjpye*).—I am a Member of the Council.

(*Mr. Jinnah*).—Anybody who is worth anything in Bombay is a member of the Council.

Q.—Have you got your memorandum. Is it a printed one ?

A.—No, it is type-written one.

Q.—Then here is a printed copy. In paragraph 3 your Association says that before the Reforms were introduced there was a surplus of about 5 crores and you think that one of the difficulties was the financial stringency. You further say that it was largely consumed, half of it was consumed, in giving increments to the services. First to the All-India Services and then, as a result of agitation in the Local Council, to the Subordinate Services. Can you tell the Committee roughly what proportion is given to the All-India Services ?

A.—May I explain it a little more.

Q.—You should answer my question also at the same time. Could you tell me what proportion went to the All-India Services and what proportion to the Subordinate Services ?

A.—So far as the Subordinate Services are concerned, the proportion varied from 30 to 100 per cent.

Q.—I do not mean the increase. I want to know the proportion of the money which was divided between the two services and not the actual increment. You say 2½ crores was spent on giving increments to the services. How much of it went to the All-India Services ?

A.—I should think about 60 lakhs.

Q.—And the balance one crore and 90 lakhs went to the Subordinate Services ?

A.—That is so.

Q.—You say that in support of this grant to the Subordinate Services there was an agitation in the Legislative Council. Therefore, I presume, you approved of that ?

A.—That is not quite so. The fact is this. When the Reforms were to be introduced, the Government of Bombay was asked what amount it would require for the increment of the services in view of the possible reforms. If my impression is correct, they calculated that about 48 lakhs will be sufficient. It was because of this that the Meston settlement was arrived at at that particular figure.

Q.—What I want to get at is this. You say that it was the Legislative Council that insisted on the money being paid to the Subordinate Services. Is that quite correct ?

A.—Not quite correct in this sense that the Provincial Services were already given increments by the authorities. My impression is that when the reforms were first introduced, it was not contemplated that the Provincial Services will be given any increase in their pay inasmuch as the provision that was made was only 48 lakhs.

Q.—What I want to know is this : Did you consider that the grant to the Subordinate Services was justified or not ?

A.—I am bound to say " yes."

Q.—Do you say that it was the waste of money ?

A.—It upset the balance on the right side. That is true.

Q.—Please see paragraph 5 of your memorandum. I take it that your Association is in favour of the promotion of mass education ?

A.—Yes ; we are very strongly of this view.

Q.—You regard the education of the masses as a most important thing ?

A.—Yes.

Q.—Would you say that education is very backward in Bombay ?

A.—Compared to other provinces, I am not prepared to support that statement. But speaking generally it is backward.

Q.—Could you say why Mr. Patel's Compulsory Education Act proved unworkable ?

A.—Because it was based on a voluntary basis. It was, no doubt, a Compulsory Education Act, but the public bodies were given the option of introducing it ; and therefore everybody on account of finance did not like the measure.

Q.—Do you think if they had money, they would have put it into force ?

A.—The Act was defective in many ways. It would not have worked well.

Q.—So it was not your fault that the Act was not worked, but it was merely the fault of the Act itself ?

A.—Yes.

Q.—You say that Dr. Paranjpye's Act is being probably strangled on the pretext of inadequacy of funds. Could you explain that ?

A.—I will explain it fully. It is in this way. I was a member of the Primary Education Committee on whose report the Act was mainly based. The Primary Education Committee then made it quite clear that the responsibilities of the local Government as far as the finance was concerned would come up to about a crore and a half. In the Select Committee, when this Bill was being considered, we thought that the local bodies and the local Government should bear the burden in the proportion of one to three.

(*Sir Sivaswamy Iyer*).—*Q.*—Who should bear three ?

A.—The Government should bear three, and the local bodies one. However, partly on account of persuasion and partly on account of our anxiety to get the Bill through, we accepted a compromise by which Government bore the share in the proportion of one to two. That is to say, one-third was to be borne by the local bodies and two-thirds by the local Government. But there was a concession, to be quite fair to the local Government. It was in this way that the present grants-in-aid to primary education, which varied from 85 per cent. to 91 per cent. of the present expenditure on primary education, were kept in tact. The future expenditure for the expansion of the primary education either by compulsion or by extension was to be shared by the local bodies and the local Government in the proportion of one to two. As a result of this, and as I was a keen supporter of this scheme, I iniated it at once in my Local

Board (Ahmednagar district), of which I was the President. I found my quota of one-third. I put on the taxation. I put it through with the unanimous consent of the people. I was hoping that at least as far as my district was concerned where I had already found my quota, Government would do its best to give me at least their share. But to my great surprise, I found that this was not to be. I must say quite frankly that we had a conference only last month and the Secretary of the Education Department told me to my face that the Act is a badly drafted Act, that it is unworkable, and that the financial portion of it puts such a large burden on Government that they will have to revise the whole thing.

Q.—You said that you got it through your own Local Board. Did you collect your one-third ?

A.—We did. In fact, I have invested Rs. 60,000 out of that fund already.

Q.—You got this 60,000 out of the people ?

A.—Yes.

Q.—Where have you invested it ?

A.—We have invested it in the New Loan.

Q.—Would you get along with this paragraph. I take it that your Association is against communal representation ?

A.—Yes.

(*Sir Sivaswamy Iyer*).—*Q.*—May I put one question ?

(*Mr. Chairman*).—Yes.

(*Sir Sivaswamy Iyer*).—*Q.*—With regard to the plea of inadequacy of funds, I should like to ask you whether this plea of inadequacy of funds was well-founded or was only a pretext ?

A.—In my opinion it is a pretext. If Government is inclined to give, it can find funds.

(*Sir Sivaswamy Iyer*).—*Q.*—Not that it had funds and refused to give them ?

A.—No. But if it wants to give money, it can find funds.

Q.—I was asking you whether your Association is against communal representation ?

A.—Yes ; it is emphatically against it.

Q.—You say that it is destroying the unity and utility of the local Council and therefore you regard its removal as one of the most important measures.

A.—Yes.

Q.—Then you say that there is no satisfactory literary test for the Members of the Council. What kind of test would you prefer for the council ?

A.—I must admit it is a very difficult question to answer, but when I find Members in the Council from 20 to 30 per cent. cannot intelligently follow the proceedings in the Council, that is in my opinion a very serious defect. They may give any opinion they like, but we have the right to expect that they will follow the proceedings.

Q.—It is rather a serious statement, if you have 20 to 30 per cent. of your Council in a Presidency like Bombay who cannot follow the proceedings, what would be the percentage of electors who could follow the issues ?

A.—The percentage would be about 6 per cent.

Q.—Then you do feel it is a very serious difficulty in attacking the bureaucratic Government that so many members of the Council are not qualified to follow the proceedings ?

A.—I do not know how the bureaucracy comes in there.

Q.—You mention it yourself. You say in your memorandum :—" ....20 to 30 per cent. of members who are unable to follow the Council proceedings intelligently with the inevitable result that all these factors are proving the inefficacy of the Council vote and thus the present Councils are unable to change the bureaucratic nature of Government."

A.—Yes, that is my view.

Q.—Is this in the present Council or the last Council ?

A.—The last Council.

Q.—What would you say about the present Council ?

A.—I am not there ; I was chucked out.

Q.—A large proportion of your memorandum is devoted to questions relating to the Ministers in Bombay ?

A.—Yes.

Q.—I am not going to ask you any questions on that because we have an ex-Minister on our Committee, and I imagine his information is likely to be more up-to-date than yours ?

A.—Quite.

Q.—Who was the Minister for Excise and Forests ?

A.—The Honourable Mr. Mehta.

Q.—Is he still a Minister ?

A.—No, he is an Executive Councillor.

Q.—He is still assisting the Government in another capacity ?

A.—Yes.

Q.—I see in paragraph 9 (talking about joint deliberation) you say, " It was therefore suggested that as a general rule, it should deliberate as a whole, but in our Province this was an exception and not the rule." What do you base that statement on ?

A.—I am prepared to modify that statement. As a looker on at the game I claim that I saw the most of it, and I am quite prepared to be frank, the complaint of the Ministers was that all the necessary papers on which the deliberate opinion had to be formed, were not put before them.

Q.—They made that complaint to you personally, did they ?

A.—Certainly not to me, but in our private conversation.

Q.—That was the impression you got ?

A.—Yes.

Q.—Who was the Governor at that time ?

A.—Sir George Lloyd.

(*Sir Sivaswamy Aiyer*).—*Q.*—The Ministers did not suffer in silence ?

A.—I think so ; they had to suffer in silence because they did not resign.

Q.—Will you look at paragraph 11 of your memorandum ? You find not only the communal constituency a great obstacle, but you find the

Council deals with matters of policy on communal lines. You do not desire to modify that ?

A.—On some matters.

Q.—Generally ?

A.—Not generally.

Q.—Half way down paragraph 11 you say : " This result is partly due to the fact that the Councils are so constituted that communal considerations take precedence in the discussion of important matters of policy." Would you desire to modify that ?

A.—I would not modify it, but I would try to explain it. We have a Muhammadan Minister, we have a non-Brahmin Minister, and in matters of every day administration, when they feel that the vote is likely to go against the particular Minister, in spite of the reasonableness or otherwise of the proposition that may be before the Council, the voting is on communal lines, which is, from my point of view, a very radical defect.

Q.—If that was to prevail, would you find it difficult to constitute a Cabinet on English lines, that is to say that the policy of the Cabinet must be defended by all its members ?

A.—No, supposing it was a decision of a Cabinet and not of the Ministers ostracised from the whole Government, which is in my opinion a very important defect, the opinion being of one unitary Government, perhaps the opinion which would be expressed by the Councillors would be more emphatic and more reasonable.

Q.—You would hope there would be some change ? You hope to break down this communal feeling by a Cabinet form of Government ?

A.—Yes. From that point of view, unitary government is better than having these Ministers.

Q.—In paragraph 12 you say :—" ....some Indian leaders looked forward to producing deadlocks as a means of bringing the Executive under the control of Legislature." Is that a policy you approve of ?

A.—No ; my Association also does not.

Q.—Would you agree with the point of view put forward by another witness, that if there is a constitution, there must be a will to work it ?

A.—As the last resort of hopelessness and great disappointment deadlock would be the only remedy.

Q.—You are not personally in favour of it ?

A.—No, I would keep it as the last weapon.

(*Mr. Jinnah*).—Q.—There is a limit to good-will ?

A.—Certainly.

Q.—Still you must have some ?

A.—Oh yes.

Q.—At the top of page 8 you say :—" Section 80C virtually leaves the power of initiation of financial proposals to Government." Don't you think that every executive should have the right of initiating proposals for financial outlay ?

A.—I agree.

Q.—Then you accept that proposition ?

A.—Generally I accept it.

Q.—I cannot understand that next sentence of yours :—" Under this

power, even a resolution for discussing payment for an adequate grant to secondary schools was stifled," is that correct ?

A.—That happened and therefore I mentioned it.

Q.—It was ruled out from the Chair ?

A.—Yes. The position was this : there was a discussion in the Council about the inadequacy of grants to education, namely secondary education and for high schools, and the proposition was discussed as to whether Rs.60,000 or Rs. 70,000 was needed to bring up the amount to one-third, that is the usual grant in aid, should or should not be paid. The Government opposed it on the ground that it was an additional financial burden and therefore under that particular clause, we could not have it.

(*Sir Henry Moncrieff Smith*).—*Q.*—Was this an ordinary resolution or did this take place during the budget discussion ?

A.—No, it was an ordinary resolution.

(*Sir Sivaswamy Aiyer*).—*Q.*—When you say stifled, you mean disallowed ?

A.—Yes, it was discussed for about a day, and when this objection was pressed, the President ruled that it was adding to the financial burdens and therefore it must go out.

(*Dr. Paranjpye*).—*Q.*—But later on it was put in in an altered form ?

A.—That was afterwards.

Q.—With regard to your paragraph 15, you consider that the Ministers were greatly hampered by their lack of authority over the services ?

A.—Yes.

Q.—Supposing the services were placed under the Ministers, would that meet your point ?

A.—Certainly not. But my difficulty is this, in the administration itself there is not this clear-cut division of the administrative officers. For instance the Collector, or whoever the head is who has to look after and be consulted in the matter, that is the average routine in local board or educational matters.

Q.—Whatever system you have, you would have to have some authority or local official ?

A.—But in the unitary form of Government this will disappear because he will be the officer under the Government.

Q.—It is not that you object to him being consulted ?

A.—Let wisdom come from all hands.

Q.—What I am asking you is, supposing the services were placed under the Ministers, would that be more satisfactory from your point of view ?

A.—I am speaking of unitary government and I say it is essential.

Q.—But supposing you do not get unitary government, it would not be satisfactory ?

A.—No.

Q.—The mere placing of the services under the Ministers would not meet your point ?

A.—No.

Q.—Would you desire to see the services protected in any way ?

A.—Certainly, I have said there should be adequate safeguards.

(*Sir Henry Moncrieff Smith*).—*Q.*—Could you indicate to the Committee what are the suitable and ample safeguards you refer to in paragraph 18, your second suggestion ; would you regard handing over of the control of the services to the Ministers as a suitable and ample safeguard to the services ?

A.—I think human ingenuity can find safeguards.

(*Sir Henry Moncrieff Smith*).—*Q.*—You have not anything definite in your mind ?

A.—Adequate in this sense that the Ministers must have the power of passing final orders, and where the prospects of members of the services are concerned they must have a right of appeal.

(*Sir Henry Moncrieff Smith*).—*Q.*—That is safeguarding the Ministers rather than safeguarding the services ?

A.—I cannot agree there ; it is a safeguard to the services. Suppose a particular servant is found fault with by the Minister, if he is to have the decision in regard to punishment, it means he must have the power of passing a final order. So far as the servant is concerned, in case the Government has not yet grown to responsibility, it is absolutely necessary for the first few years that the servant whose prospects have been impaired by that final order should be given the power of appeal to higher authority.

(*Sir Henry Moncrieff Smith*).—*Q.*—An independent authority ?

A.—Yes and in that case the independent authority is the Governor and no one else ; let him decide.

Q.—On page 10 of your memorandum you summarise your various recommendations. Am I to understand that in Bombay there were no standing advisory committees ?

A.—No Sir.

Q.—And no Council Secretaries ?

A.—No.

Q.—And you find that the Indian element in the Secretariat has been ignored ?

A.—Absolutely.

Q.—You would like to see a larger number of Indians in the Secretariat ?

A.—Certainly.

Q.—Wouldn't you say there has been a considerable increase of Indians in the Government.

A.—Oh yes.

Q.—How many Indians have you at present among the Members and Ministers ?

A.—Five Indians and two Europeans—3 Ministers and two Executive Councillors being Indians.

Q.—That is a considerable proportion—isn't it ?

A.—True, if they had the same powers.

Q.—Don't you think it more important to have them at the top than at the bottom ?

A.—No, my view is that whatever the policy of Government may be, it has to be carried out by executive officers.

Q.—I am merely putting it to you that you have a very considerable addition to the number of Indians in high places since pre-reform days ?

A.—Oh yes, certainly ; but my complaint is that they have not been given the same powers.

Q.—I will take your complaint but I was merely putting it to you that the position has improved considerably ?

A.—Yes.

Q.—I want to ask you one question which is not in the memorandum ; if you don't wish to answer it, don't, as it is outside the general reference. In Bombay you have got two distinct tracts. Would you accept the view that Sind was entirely different to Bombay ?

A.—I will never accept it ; our financial commitments are so large....

Q.—I did not ask you anything more than this—Is Sind entirely different to Bombay or not ?

A.—Oh no.

Q.—The conditions are the same ?

A.—I should think they have assimilated themselves....

Q.—I am not asking you what has been done. I am merely asking you as an inhabitant of Bombay whether you think that Sind is differently constituted from Bombay ?

A.—Oh no, I don't admit that for a moment.

Mr. Jinnah.—*Q.*—Supposing the question of redistribution of provinces arises, and if Sind wants to be a separate entity, would you object to that ?

A.—No, if on a linguistic basis all the territories are to be redistributed.

(*Mr. Chairman*).—*Q.*—To me you said there was no distinction ?

Q.—He did not understand your question. He was thinking whether there was.....

A.—Any antagonistic administrative problems.

Q.—There is no antagonism concerning the administrative problems of the Presidency as a whole ?

A.—No.

Q.—Well, to go back to the first point on which you were examined. You remember the first Council under the Government of India Act of 1919 ?

A.—Yes.

Q.—You said a good many members were illiterate ?

A.—Yes.

Q.—Am I right in assuming that at the first election the large body of politically-minded people were non-co-operating as regards Council entry ?

A.—You are right.

Q.—If that Non-co-operation movement had not come in you would not have been able to get a whole lot of illiterate members ?

A.—I don't agree.

Q.—Would the number not have been much less ?

A.—On account of this communal basis it would not have been much less. You see there is not only this communal electorate for Muhammadans, but we have also communal electorates for non-Brahmins. Though they

are in the majority they also have reserved seats, which gives them a majority in the Council.

(*Mr. Chairman*).—*Q.*—By the way, Mr. Chitale, are you a Brahmin ?

A.—Yes.

Q.—When you say illiterate, you mean they don't know English ?

A.—I have said that I used the word in as large a sense as possible.

Q.—Can you give me an instance of a member of the present Bombay Council who is absolutely illiterate—who cannot read or write ?

A.—I shall have to scan the list, but I think not.

Q.—Then almost everybody is literate in the present Council. When I use the word ' literate ' I take it he must be sufficiently equipped to follow the proceedings ?

A.—That is a difficult question to answer ; what is " sufficiently equipped " ? You understand it and I understand it too.

Q.—I frankly tell you, Mr. Chitale, I don't. A man may not know the English language well and yet be a very capable representative ?

A.—I quite agree with you.

Q.—If you are going to lay down the test to be the English language.....

A.—But the whole of your papers are printed and published in English ; the whole discussion goes on in English.

Q.—Quite right ; your point comes to this, that there is a fairly good portion of the members of the Bombay Council who are not able to understand the English language sufficiently.

A.—All that I say is, who are not able to follow the proceedings.

Q.—Quite right ; I agree with you there.

A.—He must be able to follow the proceedings.

(*Mr. Chairman*).—*Q.*—Haven't you got a rule that members can address the Council in the vernacular ?

A.—What is the good of addressing the Council on a subject which they themselves do not understand ?

Q.—Well now, you think that that position will not improve in course of time.

A.—Not until the primary education and the general education basis is taken into hand and handled in such a serious way that education spreads in the next ten years.

Q.—Recognising that factor, you think that factor is a serious obstacle in the way of establishing responsible government in the provinces ?

A.—Oh no, I do not consider it an obstacle at all.

Q.—You think the electorates, as they are at present constituted, are intelligent enough to send capable representatives ?

A.—I should think so, if they are approached properly.

Q.—You think they are capable of understanding broad issues ?

A.—Certainly.

Q.—Of course, Mr. Chitale, I quite understand your point that you would rather do away with communal representation.

A.—Certainly.

Q.—But is it a serious obstacle in establishng responsible Government in the provinces ?

A.—I think it is.

Q.—If it is, you will not have responsible government until.....

A.—I won't go to that extent but if you will allow me.... (Mr. Jinnah stopped him). A half answer is sometimes misleading.

(*Mr. Chairman*).—Go on, Mr. Chitale, let us have your full answer.

Q.—My point is this. I quite recognise, that if we could do away with separate electorates it will be much better. I quite recognise that, but you will also recognise that the Muhammadan feeling on this point is so strong that supposing we cannot do away with separate electorates.....

A.—I beg to differ from you, about the Muhammadan feeling in the Bombay Presidency. Of course, I am confining myself to the Bombay Presidency only ; I do not wish to speak on behalf of other provinces about which I do not know anything.

Q.—But suppose the Muhammadans do not wish to do away with separate electorates, nobody is going to force them. On the other hand, if the Muhammadans in the Bombay Presidency are willing to do away with separate electorates, nobody is forcing them. Is that so or not ?

A.—After having once got a right it is very difficult to allow it to let it go ; you have given them the right and you want to snatch it from them—nobody would like that. That is one defect ; and if you now want to snatch it in Bombay where this communal feeling among Muhammadan as a class is not so very pronounced, then the next best is a mixed electorate system such as has been tried so far as my municipality is concerned successfully. I mean, by the reservation of seats.

Q.—But I put it to you, suppose it is not possible ?

A.—I am not going to suppose it, having regard to the feelings of the Muhammadans in the Bombay Presidency excluding perhaps Sind.

Q.—Mr Chitale, that is very dogmatic.

A.—I have to be dogmatic.

Q.—Now suppose that the Muhammadans do not agree to that, do you think you cannot have responsible government with separate electorates ?

A.—Well I must say that the personnel, the calibre and the character of the Council on a communal basis would be much less than would be the case under the other system.

Q.—It would not be as good as you desire. You want the best ?

A.—If we have provincial autonomy, I want the Council to be the best.

Q.—You think that would be a drawback ?

A.—Certainly.

Q.—Now look at paragraph 18 of your memorandum, and the conclusions in that paragraph 1, 2, 3 and 4. Then you give a synopsis of Part A. I don't quite follow you. I take it you think that the only panacea for all these defects which you have pointed out is a unitary form of Government responsible to the Legislature.

A.—Are you taking only this part or the other part also ?

Q.—I take the whole lot of your complaints.

A.—This present representation is advisedly divided up into two parts. I am only speaking of the Bombay Council. My Presidency Association asked for responsibility also in the Central Government.

Q.—I am confining myself to provincial governments. You have made so many complaints ; you say this is wrong and that is wrong. I want to ask you a general question—do you suggest that the only

panacea to meet all this is to establish a unitary form of Government responsible to the Legislature, so far as the provinces are concerned ?

A.—And a constitutional Governor.

Q.—Supposing it was put to you that some of these defects which you have pointed out were put right, would you agree to dyarchy continuing ? If some of these defects were removed—take, for instance, I will give you an example. Supposing the services were recruited as you suggest, supposing that there were more joint deliberations as you say the Joint Committee recommended, supposing the financial difficulties which you have pointed out were removed, and so on and so forth—I won't go into them in detail. Supposing some of these things which you know can be done under the present Act or the rule-making powers under the Act, supposing they were all put right, would you continue to work dyarchy ?

A.—No.

Q.—Do you think that it will work ?

A.—It will not work.

Q.—You recommend that the constitution must be changed ?

A.—It must be.

Q.—And amended ?

A.—Yes.

Q.—Let us take your synopsis at page 10. You say. " Control of finance is the root principle of real provincial autonomy. Owing to miscalculation in estimating the needs of the Province after the reforms, and prodigal increase in the services pay, the reforms have broken down at the very commencement owing to the fact that no money was available for developing nation-building services." Is that the fault of the constitution, or is it due to the fact that under the Meston settlement against which I suppose you complain it has been possible to deprive the Bombay Presidency of its resources ?

A.—Not quite that. My impression of it is,—of course I speak subject to correction—that if there was a unitary form of government from the very beginning , the Ministers being equal, having equal powers and responsibilities, I believe that the allocation of funds would have been more in their power and perhaps the defects that I have pointed out would not have arisen.

Q.—That is to say, if there was a unitary government, the Cabinet being jointly responsible to the Legislature would have devoted more money to the nation-building departments ?

A.—Certainly. Otherwise they would not be able to keep their places.

Q.—Then you say this, " The sharing with the Government of India the receipts under income-tax in exchange for those under land revenue has severely handicapped this province, which is predominantly a commercial and industrial province, as the income-tax has proved very much more expensive than the land revenue." That is due to the Meston settlement ?

A.—Certainly.

Q.—And you complain against that settlement ?

A.—Certainly. I am quite at one with the Local Government in that respect.

Q.—You agree with the Local Government ?

A.—Yes.

Q.—Take the next one. I think it will be covered by the answers which you have already given. Then you say, "Dyarchy has failed because the Governor has not acted in the constitutional manner by confining himself in transferred departments merely to advising, and accepting as a rule Ministers' proposals." On this I want to ask you this. You were a member of the first Council ?

A.—Yes.

Q.—And I take it that a large body of the members had all the good-will that you could command to make the reforms a success ?

A.—They were known for their sanity !

Q.—And they had all the good-will ?

A.—They gave all the good-will that was possible to be given.

Q.—And did all that good-will make the constitution workable ?

A.—It came to nothing.

Q.—And why ?

A.—As I have said, we were in high hopes when we went in and we thought as we had read the Act rather cursorily then.

Q.—May I put it this way, because the Government were bureaucratic in its personnel and autocratic in its powers ?

A.—You might put it that way.

(*Mr. Chairman*).—*Q.*—Do you accept that ?

A.—I would not be so emphatic like that.

Q.—But very near it ?

A.—Yes.

Q.—You say that several instances have happened in which the Minister's advice had been disregarded. Can you point out one or two instances without disclosing any confidential matter ?

A.—Absolutely there is no breach of confidence. I consider the Minister to be a part of the Government, and as far as we could see, even if in trivial matters,—such as the appointment of a professor to the Law School which is only for a term of years—his recommendation was not accepted, well, I conclude and logically conclude what must be the state of things as regards more serious matters.

(*Mr. Chairman*).—*Q.*—How did you know that his advice was not accepted ?

A.—We knew the candidates that had applied for it, and we knew the result because the man who was already in for three years and who under the ordinary rule should have vacated was kept on for a year more.

(*Mr. Chairman*).—*Q.*—How did you know that the Minister's advice was not accepted ?

A.—It was the Minister's department.

(*Mr. Chairman*).—*Q.*—How did you know that the Minister did not give advice to that effect ?

A.—That I do not know, but from the result we have to arrive at our own conclusions.

(*Mr. Chairman*).—*Q.*—You say that a certain appointment was made and you conclude that it was made against the advice of the Minister ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—How do you conclude that ?

A.—I reason like this. Even if in such a small matter.....

Q.—Look here. First of all, in making the appointments of these law professors to Government Law School in the Bombay Presidency the procedure is this. There is a Committee in the first instance of Judges and many prominent barristers ?

A.—And pleaders too.

Q.—Who sit and consider the claims of the various candidates ?

A.—Yes.

Q.—And then they send up their recommendations ?

A.—Send up names.

Q.—And it becomes a matter of common knowledge ? There is no idence about it ?

A.—No.

Q.—And then the Minister selects and makes the appointment ?

A.—Yes.

Q.—That also becomes known ?

A.—Yes.

Q.—And you say that that became known ?

A.—Yes.

Q.—And he was overruled ?

A.—Because the same man was appointed against the ordinary rules

(*Mr. Chairman*).—*Q.*—That was your reason ?

A.—Yes.

Q.—From that you conclude that the Minister had more or less the glorified name of Minister without any real powers ?

A.—Oh, yes. I agree.

(*Sir Henry Moncrieff Smith*).—*Q.*—Then the Ministers achieved nothing ?

A.—They did achieve two things. They did achieve this improvement of Local Boards Act and Compulsory Primary Education Act. That is all. These are the two measures which stand to their credit and to that of the Council too.

Q.—You can always achieve something even by placing before the Governor ?

A.—Yes.

Q.—All their achievements were due merely to the approval of the Governor ? If the Governor approved of their policy, then, of course, you could achieve a great deal ?

A.—Yes.

Q.—Now we go on to the next one. You say that the progress in Indianising the services is extremely disappointing. What would you suggest should be done ? Is that due to the present constitution or not ?

A.—It is due to the present constitution.

Q.—What do you suggest should be done ?

A.—I suggest that recruitment should be stopped at once and Indianisation should be taken in hand in a more serious manner.

(*Mr. Chairman*).—*Q.*—Do you suggest the stoppage of European recruitment ?

A.—Yes, because the present vested interests are numerous enough and sufficient enough.

(*Mr. Chairman*).—*Q.*—Do you think it will be a good thing in Bombay that European recruitment should be stopped ?

A.—In Bombay the feelings between Europeans and us Indians are far better than in any other presidency.

(*Mr. Chairman*).—*Q.*—And therefore you suggest that the recruitment should be stopped ?

A.—Absolutely.

Q.—It is not a question of feeling. The feeling may be the best or may be the worst, but what I want to ask you is.....

A.—That is necessary because they won't misundertand us when we make that claim.

(*Mr. Chairman*).—*Q.*—We cannot pass over this quite so lightly. I wish your opinion quite definitely as to whether you consider that the Bombay Presidency does or does not require any more European recruitment ?

A.—We want their best talents.

(*Mr. Chairman*).—*Q.*—I am not asking you about the best talents. My question is, is it your considered opinion that for the administration of the Bombay Presidency it is not necessary to recruit any more Europeans in any of the Services ?

A.—For the present it is not necessary.

(*Mr. Chairman*).—*Q.*—I am not asking you for the present. I am asking you for the future.

A.—Let the local Government when it becomes a reformed government decide.

(*Mr. Chairman*).—*Q.*—I am asking you, whatever the government might be,—this is not a question of government—is it in your opinion necessary for the administration of the Bombay Presidency to recruit any more Europeans or not ?

A.—This is my present opinion. At present the existing services and their personnel are sufficient enough to last us for the next 15 or 20 years.

(*Mr. Chairman*).—*Q.*—And therefore you would stop recruitment ?

A.—Yes, and give every chance to the local Government that might succeed to recruit their best services in the best manner possible.

(*Mr. Chairman*).—*Q.*—For the future ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—You wish to stop recruitment for the present ?

A.—Yes, because at present the vested interests are numerous enough.

Q.—Supposing you were to establish whatever form of government it may be—we will assume, we will establish provincial autonomy—if any recruitment of Europeans is necessary, or to put it in another way, if foreign skill is necessary, you would leave it to them ?

A.—To the local Governments.

Q.—Even immediately after the provincial autonomy is established ?

A.—Oh, yes.

Q.—What you mean is this that recruitment on the present system should be stopped ?

A.—Yes.

Q.—You mean that this present system ought to be stopped ?

A.—Yes. The local Government should be given power, a large power to recruit their services.

Q.—In such manner as they think proper and recruit such foreign skill as is necessary ?

A.—Yes, as absolutely necessary.

Q.—We get to the next one. You say, " Local bodies have not been freed from official control, in spite of the very great stress laid on the point in the Montagu-Chelmsford Report." You put that also to the present constitution ?

A.—Yes.

Maharaja of Burdwan.—*Q.*—I have practically nothing to ask you. I think you said in your reply to the Chairman that your association is against communal representation ? Am I right ?

A.—Yes.

Q.—That being so, how is it that in your association you have people who are for communal representation ? Do not their views clash with those of the Association ?

A.—They are in a minority as I have said. When the Association forms its own opinion, of course, it is in accordance with the majority view.

Q.—You said my friend opposite (Mr. Jinnah) is the Vice-President ?

A.—Yes.

Q.—Is he against communal representation ?

A.—He can argue and argue. That is all.

Q.—In paragraph 4 you mention about the land revenue head. What is it you are actually aiming at in that paragraph ?

A.—In our Presidency unlike the other presidencies of United Provinces, Bengal, and Madras, we have the ryotwari system as a whole. Almost the whole of the land.

Sir Sivaswamy Aiyer.—*Q.*—Why do you say unlike Madras ?

A.—We have got the Land Revenue Code and we have periodical revision settlements.

Q.—How often ?

A.—30 years mostly. With the result that under the present rules made under the Land Revenue Code for revision of assessments, the revision could only be to a certain extent irrespective of the fact that the land values have gone up or not. I will give you an instance later on. The increase works out—I am giving you the figure which has been arrived at by Government officers themselves as they told me in the Finance Committee—it works out at 8 per cent.

Q.—What are you aiming at in this paragraph ?

A.—We want to share the income-tax.

Q.—In other words, your land revenue income being inelastic you want additional revenue and therefore you want to share in the income-tax ? Is that so ?

A.—No. My point is this that in the Bombay Presidency which is more industrial, the income-tax that we pay being more elastic, we must have a larger share of it as our revenue rather than that of land revenue which was a divided head at first and in which the present increase works out at 8 per cent.

Q.—That is to say, your land revenue income is not very elastic and therefore you want a larger share and you want to share the income-tax revenue of your province ?

A.—Yes.

Q.—In other words, this paragraph is more or less against the Meston settlement ?

A.—Yes.

Q.—You have already explained, I think, in answer to the Chairman on paragraph 8. You say, " On several occasions the advice of Ministers for filling of posts in transferred departments was set at naught even to the extent of a minor appointment of a lecturer of a law school." Apart from any inference, you were not taken into confidence by the Ministers that they were being overruled excepting this particular case of a lecturer of a law school ?

A.—You mean in our private conversations ?

Q.—Your Ministers did not go to the length of saying that their policy was being overruled.....

A.—You mean openly in Council ?

Q.—Yes.

A.—We never expected them to say so in open Council.

Q.—I am asking you this because in Allahabad an instance took place where we were told by a witness the Minister and member in charge charged each other in open Council. There is no instance of that kind in your council ?

A.—No.

Q.—What is your view regarding the services ? Do you think that the services after they are transferred to the local Governments—the control of the services—and their salaries fixed, they should be kept separate, that is to say, if they are once fixed the legislative council should not interfere with them ?

A.—Beg your pardon.

Q.—The strength of the services, the pay of the services and so forth. Very often we had a complaint, and we had several witnesses who have said that in their view the services once fixed should be kept outside the purview of the annual attacks and annual revision of the legislative councils. I want to know what your view is on that point.

A.—My view is that that should be so as regards certain places.

Dr. Paranjpye.—*Q.*—Temporary or permanent ?

A.—Certain permanent appointments or high placed officers. But as regards the rest, if I were to tell you that in our view the services pay of the provincial officers has not been adequate,—that has been the view of the provincial Council for a very long time, and the Retrenchment Committee of which I was a member very strongly recommended a re-arrangement of their pays. I am afraid that if that power is transferred to the legislative councils they will give.....

Q.—Do you think that it is a desirable power for the Legislative Council ? It is a desirable power for the Government to have control of their own services. But do you consider it a desirable power for the Legislative Council to be constantly interfering with either the cadre or the pay ?

A.—No. If once the cadre is fixed with the consent of the Council I have no further complaint to make. It must first be fixed with the consent of the Council. It has not been fixed. At present, the Government fixes a particular cadre and its pay whatever our own views may be, and then they say these services should be paid on such and such a scale. I say that should not be. Take the Council into your confidence first, limit and make rules and give effect to them.

(*Mr. Jinnah*).—*Q.*—In giving the Council power to do so, would you not agree that those who are already in the services should have complete security ?

A.—I am emphatically of opinion that there should be no breach of promise at all. As far as the existing services are concerned there should absolutely be no breach of promise.

(*Mr. Chairman*).—*Q.*—If you give the Legislative Council power to do that, they will also have power to change it ?

A.—Only for future entrants.

(*Mr. Chairman*).—*Q.*—If you give power to the Legislative Council to fixe the cadre of the services, the cadre cannot be fixed once for all. If you give the Council that power, they should have power to amend it. If the Council passes an Act, it should have power to amend that Act. You accept that ?

A.—I have to accept that. One Parliament cannot bind another.

(*Mr. Jinnah*).—*Q.*—You trust to the honour of the House that they will not be guilty of a breach of promise ?

A.—I trust to their reasonableness.

(*Maharaja of Burdwan*).—*Q.*—In head 11 you talk about local bodies not being free from official control. Am I to understand that in the Bombay Presidency there are still quite a number of official Chairmen of district councils or district boards, or whatever you call them there ?

A.—Now ? They are at present nominated. They are not elected still. It is only after the passing of the new Act which will come into force very probably next year that we will have elected presidents. That is not my point. My complaint is that the Government gives us so much grant-in-aid by one hand and by another hand we have to write a cheque or as we call it, letter of credit, and hand it over to the departments for being administered. That is bad.

(*Maharaja of Burdwan*).—*Q.*—Surely these departments are transferred departments and you are having your representatives in the Legislative Council and you can bring pressure on your Ministers to vote the amount that is required for your local purposes ?

A.—In the last Council when I was a member these local bodies were over represented and even then we were unable to bring the requisite pressure to give us more powers or free us from this bondage.

Q.—When you mention to us the increase in the pay of Subordinate Services, do you not think that during the war and after before the reforms came into operation the revision of pay of these Subordinate Services

was long overdue ? On account of the high prices the Subordinate Services in particular were feeling the pinch very much because their scales of pay were not increased ? Do you agree with that ?

A.—Even if their scales of pay were not increased there were provisional allowances introduced and if they were liberal, there was no necessity of a permanent increase in their pays.

Q.—You did not want the increase to be made permanent ?

A.—In the first place, when the stress came it was between 1915 and 1919 when you gave them a miserable bit by way of provisional allowance. When the stress was over in 1920-21 you gave them liberal salaries. The proper way in my opinion, and therefore I term it heedless, would be to give them very adequate and liberal provisional allowance rather than that meagre pay which everybody understood was not sufficient to make both ends meet.

Q.—At any rate you agree that a drastic revision of the pay of these Subordinate Services was necessary, whether it was a permanent revision or a temporary revision ?

A.—As a permanent revision I do not agree.

Q.—As a temporary revision at least it was necessary ?

A.—When Government says it is temporary it is always permanent. That is exactly my fear.

Q.—You said about the Primary Education Act. I do not wish to ask you all about it. But when you say that the Government had enough funds if they willed it, you know, of course, as you are a member of the Committee, that the Committee recommended progressive additional taxation in order to carry out the scheme of ten years ?

A.—Yes.

Q.—And that is what I suppose you mean when you say that you had ample funds ?

A.—In fact we passed those taxation proposals simply with that view.

Q.—And those taxation proposals would have sufficed for the first two years ?

A.—Yes.

Q.—Later on the Council you think would have been prepared to pass further taxation proposals to meet the increased cost of primary education ?

A.—Yes. I have not the least doubt about that.

Q.—The Act you say has been strangled ?

A.—Yes.

Q.—At any rate it is now 20 months after the passing of the Act and it has not been brought into force ?

A.—Yes. And I shrewdly guess that it is not going to be brought into force at all.

Q.—I cannot say about that.

A.—When I find that no provision is made in the budget and some lakhs was provided for Bombay only to silence the Bombay members and give them larger grants-in-aid.

(*Mr. Jinnah*).—*Q.*—Why is the Government so anxious to strangle this measure ?

A.—I won't attribute motives, I cannot. Reading the history of it from 1911 since the late Mr. Gokhale moved it, the Government has never been very serious about this compulsion of primary education.

Q.—You talk about the absence of any satisfactory literary tests for the membership of councils. You agree that there are 4 or 5 vernacular languages current in the Bombay Presidency ?

A.—Yes.

Q.—And therefore in that Presidency if any member has to follow the proceedings of the Council it is essentially necessary for members to understand one common language, English ?

A.—Yes, may be English. I do not say.....

Q.—There is no other possible common language ?

A.—You may put it like that.

Q.—You must as a general rule be conversant with English in order to follow the proceedings of the Council properly ?

A.—Yes.

Q.—And I suppose your main complaint is that in the last Council there were a considerable number of members—I do not agree that they are 30 or 40 per cent.—there were at least 20 members who could not understand English ?

A.—I can name the members if you like.

Q.—About 20 people at least could not understand a word of English ?

A.—Were unable to follow the proceedings.....

Q.—Because they could not understand the language and the proceedings were always in English ?

A.—I won't go to that extent. They might have employed their secretaries. I am only mentioning a fact All that could be done was not done with the result that they were unable to follow the proceedings.

Q.—And in reply to the Chairman you agreed that there is a clause in the Regulations that members could address the Council in the vernacular ?

A.—Yes.

Q.—You remember some cases in which the members did address the Council in the vernacular ?

A.—Yes. I do not attach the slightest importance to this. If a member is not able to know what the other people have said and if he wants to intelligently follow the proceedings, what is the use of his speech ? That speech might have been written for him by another man.

Q.—That speech could not be understood by a great many of his colleagues ?

A.—It could not be.

Q.—Would you agree to a clause in the Rules requiring a certain amount of literary qualification, especially for members of the Bombay Council ?

A.—I insist upon it. If you want provincial autonomy, I want the best Council.

Q.—I understand that general principle. The question is how to give effect to it. Would you agree to have a rule at least in the Bombay

Council that candidates who stand for election to the Council should have a literary qualification, should be able to follow the proceedings in English properly ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—Who will examine them ?

A.—I do not care about it.

Q.—You know that in certain cases, for instance before pleaders are allowed to practise in certain places, they are required to produce a certificate from a District Judge or a Principal of a College or from a responsible man that they sufficiently know the vernacular, to follow the proceedings, and read, speak and write properly the vernacular ?

A.—Yes.

Q.—You spoke about the services under the Ministers ; I understand that you do not like the present position where the number of officers in the services, their appointments and other things are made over the heads of the Ministers and to a certain extent over the heads of the Government also by an outside authority ?

A.—Yes.

Q.—But if the Legislative Council and the Ministers who are responsible to them had perfect control of these matters, then you yourself agreed that you would give them ample and adequate safeguards ?

A.—Yes.

Q.—Would you be prepared, for instance, to give each man a legal contract at the time of appointment ?

A.—I have not made up my mind. I have not thought about it. Do it in the best possible manner. I want that those people must be protected absolutely.

Q.—When a person is appointed he would know what to expect in the course of his service and if that understanding is not carried out, he should have adequate and easy means of redress ?

A.—Yes. But I do not understand myself the difficulty. In all other countries this is done. I do not know why it should be very difficult out here.

Q.—When you say that the pay and number of people in the services should be votable every year by the Legislative Council, some people, at any rate, consider that that would not be sufficiently safeguarding their interests. Therefore would you agree, for instance, to this, that there should be a consolidated fund every year which should not be votable, because that money is to be paid every year to the permanent servants of Government ?

A.—Putting it frankly, I have not thought about it. Do it in the best possible manner. All that I want is that their interests should be fully protected.

Q.—When a man is appointed, he must have adequate safeguards ?

A.—Yes.

Q.—Only you would give the Legislative Council power to make or change the rules according to the circumstances of any particular case ?

A.—Yes.

Q.—If it wants, for instance, to reduce the number of Assistant Deputy Education Inspectors ?

A.—In my opinion these are small matters. Government do not take serious notice about the smaller fry.

(*Sir Henry Moncrieff Smith*).—*Q.*—You say it is a small matter. Is it a small matter for an Assistant Deputy Inspector to be turned out ?

A.—I have already said that the present people are entitled to their vested interests being carried out fully, wholly and most liberally.

Q.—You do not want to turn out existing men in the service ?

A.—No.

Q.—But when a vacancy occurs and it is considered that that place should not be filled up again, you would leave it to the Council to decide, after it falls vacant ?

A.—Yes. My proposals must be distinctly understood to be confined only to future entrants, not to the present ones.

Q.—In answer to a question about Sind, you said that the interests of Sind are not materially different from the interests of the presidency ?

A.—Yes.

Q.—Is it due to the fact that Sind has been associated with Bombay for a number of years and people have come to know each other to a certain extent ?

A.—Associations grow always.

Q.—Have you found that it is the decided desire of the Sindhi Members of the Council at least to remain associated with the Bombay Presidency ?

A.—Absolutely they do not want to go to the Punjab, which they consider to be very backward.

Q.—Except of course if there is a proposal to form a linguistic province ; then it takes a different colour altogether ?

A.—Yes.

Q.—As regards communal electorates, you have expressed a decided opinion that communal electorates are antagonistic to national progress ?

A.—As far as the Bombay Presidency is concerned.

Q.—But I believe you agree that in a Legislative Council, which is to administer the affairs of a large province, it would be practically a negation of self-government if any important interests are not represented ?

A.—Yes.

Q.—So you would, at any rate, use means to see that all legitimate and important interests are adequately represented in the council ?

A.—I have no objection to even their being over-represented by mixed electorate, not by the back door or one door.

Q.—At any rate you agree with that main principle that all interests should be adequately represented ?

A.—Absolutely.

Q.—And to a certain extent there are various kinds of interests in the Bombay Presidency ?

A.—Yes.

Q.—Therefore you would like to have these representatives by means of elections and not by means of nominations ?

A.—No. Nomination must be done away with altogether by reservation of seats and mixed electorates and giving them, if they like, half a dozen more seats.

(*Mr. Jinnah*).—*Q.*—Even the official bloc ?

A.—The official bloc must go. It is no good.

Q.—At the bottom of paragraph 5, page 3, you say " As regards resolutions, non-official members of the Council were considerably handicapped owing to an unequal division, arbitrarily made, of the time of Council, between official and non-official work." Is it your complaint that the non-official had not sufficient time for consideration ?

A.—I have given vent to what the people thought.

Q.—Your complaint also is that the number of days assigned for non-official business was very few ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Are you aware that the non-officials in Indian Legislative Assembly have far more opportunities for bringing forward non-official business, as they do in the House of Commons ?

A.—I do not know.

(*Mr. Chairman*).—*Q.*—You may take it from me that they have.

A.—Yes.

(*Sir Henry Moncrieff Smith*).—*Q.*—You know that the Governor allots the time ?

A.—He does.

(*Sir Henry Moncrieff Smith*).—*Q.*—Would you make any alteration in regard to that or would you merely try to persuade the Governor to be a little more liberal ?

A.—I should think that the President should have the power.

(*Sir Henry Moncrieff Smith*).—*Q.*—Is it your experience that a very great deal of time was wasted in the Local Council on discussion of resolutions ?

A.—I agree. But that must happen in all democratic assemblies.

Q.—I shall not ask many questions about various instances referred to in paragraph 8. But your complaint is that in the Secretariat there are not sufficient Indian Secretaries or Deputy Secretaries ?

A.—Yes, I have said so.

Q.—As regards the Chairman's question about non-official members having many more days for discussion of private business, is it not a fact that Councils in India sit only for a very short time and that therefore there are no immediate opportunities of raising any important questions, while Parliament sits for about 6 or 8 months ?

A.—That is absolutely true.

(*Mr. Chairman*).—*Q.*—Is it not a fact that though Parliament sits for 6 or 8 months, practically a non-official member never has any chance of bringing forward any non-official business ?

Dr. Paranjpye.—He can ask questions and move adjournments. They may get one day every week for private members to have a fling.

(*Mr. Jinnah*).—*Q.*—Is there any such thing in Parliament as non-official members, as the term is understood here ?

(*Mr. Chairman*).—No.

(*Mr. Jinnah*).—*Q.*—Government represent the people there ?

(*Mr. Chairman*).—Yes.

Q.—You mention in paragraph 11 " The result is partly due to the fact that the Councils are so constituted that communal considerations take precedence in the discussion of important matters of policy." You adhere to that statement ?

A.—I do.

Q.—On certain questions several members have decided by the effect it will have upon their special communal interest rather than upon the public interest ?

A.—Yes.

Q.—Can you give any instance ?

A.—Of the last council ?

Q.—Yes.

A.—If you want an instance, I will give you one, but I should rather be spared.

Q.—Only if it is a general question. I do not want to go into the personal question ?

A.—It is not quite a general question. I would rather like to avoid it.

Q.—In paragraph 13 you talk about the sanction of the Government of India ; " for instance, the rule about all legislative measures requiring the sanction of the Government of India has the effect of retarding provincial legislation and sometimes the sanction takes too long a time in coming and in the meanwhile necessary legislation is being delayed and unnecessary hardship has to be suffered by the people." Can you give me any example of that ?

A.—I have mentioned the most eminent and that is about the Deccan Agriculturists Relief Act. The Deccan Agriculturists Relief Act was a unique measure intended only for four Districts in the Bombay Presidency. There was a Committee appointed by the Local Government and in the light of the Report of that Committee a small Act was framed. That Act had to be sent up to the Government of India, where it was lying for a couple of years ; and when it came back, it came back in such a mutilated form that when amendments were tried to be moved, the Government said that the result would be that they would have again to refer to the Government of India, with the result that the Act was voted against. So the Deccan Agriculturists Relief Act still continues in spite of the clamour of the general public and the other interests.

(*Mr. Chairman*).—*Q.*—Is it not a fact that the Deccan Agriculturists Relief Act also affected the Usurious Loans Act ?

A.—No.

(*Sir Henry Moncrieff Smith*).—*Q.*—Did not the measure which the Local Government tried to introduce in Bombay affect the Usurious Loans Act ?

A.—As far as that measure is concerned, it did not, because it was a special measure for the relief of the Deccan Agriculturists. Every document, promissary note and everything which an agriculturist has to perform must be registered. It must be written by a particular officer and then it must have an extended period of limitation and then the

question whether a deed was a sale deed or a mortgage deed could be gone into. It is not a measure which is wanted now. It is doing a lot of mischief.

Q.—In paragraph 14 you talk about the powers of the Legislative Council over finance, over appropriation. You remember before the reforms in the Legislative Council any member can bring forward a resolution that such and such amount be omitted from one head and be spent on another head for such and such a purpose ?

A.—Yes.

Q.—Would you have that power given to a member of the Legislative Council ?

A.—There is no harm in giving it.

Q.—You said in reply to the Chairman that you would like to have all proposals of appropriation to be made by the Executive ?

A.—I qualified it by saying ' generally '.

Q.—You consider however that such a proposition might be capable of being moved by a private member ?

A.—Yes.

Q.—Would not there be a very undesirable state of things occasionally among the members of the Council ? There might be negotiations by which you may accept my proposal and I may accept yours ?

A.—I do not think so. Government is too strong always.

Q.—What do you think of Council Secretaries ? In the Bombay Presidency there have been no Council Secretaries. Do you advocate the appointment of Council Secretaries ?

A.—Certainly. In fact I have found that the Ministers or, for the matter of that, the Executive Councillors, if you would allow me to say so, have received very little help from the nominated members who were their Secretaries. In fact, if I may say so frankly, they never took the House along with them. Sometimes it struck me that they were antagonistic to the views either held by the Ministers or the Executive Councillors themselves.

(*Mr. Chairman*).—*Q.*—Did you speak against them in the Council ?

A.—Speaking is not the chief thing.

Q.—They were very cold towards their proposals ?

A.—Not very enthusiastic. They did not think it proper to study the subject and came in such an unprepared way that they were absolutely unable to make any impression on the House.

Q.—You mean permanent officials ?

A.—Yes.

Q.—You refer in paragraph 17 of your memorandum to Earl Winterton's speech about the position of the depressed classes and that their present position constitutes an insuperable bar to the granting of provincial autonomy. What do you think has been the attitude of the reformed Council of which you have had experience for three years towards the depressed classes ?

A.—To our great credit, the Brahmins came out best and passed Resolutions to ameliorate their lot to the fullest possible extent.

Q.—Do you think the Government did a good deal to ameliorate their position ?

A.—As far as I am concerned I can say that in the previous Councils these very Resolutions were outvoted by the official bloc.

(*Mr. Chairman*).—*Q.*—On what ground ?

A.—They thought that they might lead to breaches of peace.

(*Mr. Chairman*).—*Q.*—Not to any caste feeling.

A.—They had no caste feeling.

Q.—You have not the least apprehension about the position of the depressed classes even if provincial autonomy is fully established ?

A.—I am absolutely afraid of nothing.

Q.—I wish to ask you a few general questions. You are a President of the Ahmednagar District Board and have been holding that position for several years ?

A.—I have been holding that position for the last 7 years.

Q.—You know your district through and through ?

A.—I know it too well. I know almost every village in my district.

Q.—You have made several proposals and taken certain measures for improving the lot of your district at any rate ?

A.—Of course, with my limited powers.

Q.—Have you received sufficient help from the officials ?

A.—No.

Q.—You did not receive such help from the officials of your district as you would have wished to ?

A.—No.

Q.—Were you hampered in your proposals at any time ?

A.—I had no powers at all, because every department was run by its departmental head. As I said, I only signed the cheques and handed them over.

(*Mr. Chairman*).—*Q.*—You complain that the President had no powers ?

A.—He had absolutely no powers. Now that the Local Board Act of 1923 has been passed, certain powers are given and in the course of time, say, 20 years hence, we might get some powers.

Q.—As regards education, for instance ; the administration of education was entirely in the hands of the Education Department ?

A.—Certainly.

Q.—They appointed their own headmasters and the Local Board only paid 4 pies in the rupee. However, under the new Act this is going to be altered ?

A.—I am not quite sure because the rules are not yet made. The Act was passed two years ago. The Act consists of a few sections only but I think the rules may run into centuries.

Q.—It was intended, according to the understanding given in the Legislative Council, that the full autonomy was to be given ?

A.—I am absolutely disappointed with the progress of the local self-government ever since I have been there for the last 20 or 23 years.

Q.—You are a nominated President ?

A.—Yes ; and I have been holding that post for the last 7 years.

Q.—You also have experience of the Ahmednagar Municipality ?

A.—Yes. I have the experience of the Ahmednagar Municipality for about 12 years as its President too. It has autonomy. It has also got power. In fact, all municipal governments have got some autonomy.

Sir Henry Moncrieff Smith.—*Q.*—Could you tell us what is the practice in the House of Commons where you say more liberal provisions for the introduction of private Bills exist ?

A.—I will not pit my knowledge against yours or anybody else's. What I want is more power. Give it in the best way and the best manner possible. I do not care whether you be the judge or anybody else.

(*Mr. Jinnah*).—*Q.*—In England, when a Government comes into power, it comes into power with a definite programme from the people. Therefore, there is no such thing as official programme and the non-official programme ?

A—That is so. But that definite programme is not always adhered to.

(*Mr. Jinnah*).—*Q.*—But they go in with a definite mandate ?

A.—Yes. There is no question of officials and non-officials there.

(*Mr. Jinnah*).—*Q.*—Therefore, a private member in England has got the same facilities ?

A.—Yes.

Q.—But the private member in England may belong to the Government party or he may belong to the opposition party ?

A.—He may.

Q.—You say that provincial services are being recruited more on communal considerations than merit alone. Can you explain that ?

A.—I can give you an instance. I remember there was a competitive examination for an All-India Police Service. There were some competitors and 5 men were selected. In reply to a question in the Council the Honourable the Home Member told us in the first year of the Council that not even one was found to be fully qualified for being recruited. To my greater surprise, I found that the same people crept in a year later.

Q.—But that does not show that they were appointed on communal considerations ?

A.—One of them was a Muhammadan, another was a Mahratta, the third was a Christian and the fourth was a Parsee. If these are not the comunal considerations, then I do not know what comunal considerations are.

Q.—Do you mean to say that they were appointed on that ground ?

A.—That is the result, as I read it.

Q.—Is that due to dyarchy ?

A.—Recruitment to the Imperial Police Department is not under dyarchical form of Government.

Q.—If you get full provincial autonomy, do you think it would be any better ?

A.—It will be certainly much better.

Q.—You won't get a Muhammadan appointed ?

A.—Muhammadans may come in shoals, but they would come in by reason of merit.

Q.—On what grounds do you base your opinion that it will be so ? You say that at present recruitment is on communal lines and that it will not be so in future. What are your grounds for saying so ?

A.—My position is this. It is a common knowledge and is commonly talked about that the present Ministers and others, are selecting candidates from communal motives at least so far as the lower services are concerned. That is what the people talk about it and I do think along with them.

(*Mr. Jinnah*).—*Q.*—How will you avoid this under your responsible government ?

A.—There will be one Cabinet and this Cabinet will be responsible for the appointments.

(*Mr. Jinnah*).—*Q.*—You mean to say that the present authorities are employing inefficient Muhammadans ?

A.—I do not say that they are inefficient. What I mean to say is that they are not as efficient as they should be.

(*Mr. Jinnah*).—*Q.*—You mean to say that the Cabinet will be more fortunate in their selection than the present authorities ?

A.—When they are responsible, they will see that the candidates are appointed after proper examinations. They will have the proper tests.

Q.—In paragraph 15 you say that the provision for the appointment of Joint Financial Secretary was not brought into operation. We have been told by several Ministers that Joint Financial Secretaries were not appointed because the Ministers themselves realised that they would be no good. Their appointment wuold simply lead to friction. What is your conception of the function of the Joint Financial Secretary ?

A.—My conception is this. The Ministers, when they are selected, have got no administrative experience. This will usually happen. This thing happened at least as far as the first Council is concerned. Naturally, therefore, being men brought out from several professions which they were occupying, they had not the requisite knowledge of the administrative machinery. Neither will they, if my friend would pardon me to say so, get into the grip of details for some time more. As we sat at the Finance Committee meetings, even ordinary questions of finance and other matters appeared to us to be rather very unsatisfactory. That is my view of it. Therefore, so far as the Ministers are concerned, I think they control an expenditure of about 5 crores of rupees out of a total expenditure of about 15 crores. Now, if there was a Financial Secretary given to them simply to look at the several administrative details from their point of view, he would be able to find out whether anything could or could not be saved from the reserved department and could be made available for them. It will be the pre-eminent duty of the Financial Secretary to find out how far the proportion of the reserved and the transferred departments can be modified.

Q.—You suggest, although I am not quite sure if I am correct in so assuming that the appointment of an additional Financial Secretary will possibly save the Ministers from putting up imperfect administrative schemes ?

A.—I should think so.

Q.—In fact, we are told by other witnesses that the Finance Department exercised too much control over the Ministers ?

(Dr. Paranjpye).—*Q.*—Is it your point that such a Financial Secretary will closely scrutinise new proposals of expenditure in the reserved departments from the point of view of the Ministers ?

A.—Yes.

Q.—From the point of view of policy and from the point of view of Ministers ?

A.—Yes. In my opinion they are not two different things.

(Mr. Chairman).—*Q.*—What is your own conception of the Finance Department ? Is it an expert advisory committee or is it a body who is going to put his finger in the shaping of the policy ?

A.—My conception of the Finance Department is that it is an adviser of the local Government.

Q.—In this very paragraph 15 you talk about section 49 of the Act which provides for the limitation of control by the Governor General over transferred subjects. You suggest there that the control, though nominal, is however effective and irksome. You know what the extent of the control of the Governor General in Council is ? What are the statutory limitations under section 49 ?

A.—They are given here. I do not know how far they operate in practice. That is if the Governor General in Council likes, he might put a stop to it.

Q.—See rule 49 of the Devolution Rules. You say there is a control provided by rule, which though nominal, is however effective. Could you cite to the Committee any instance in which the Governor General in Council exercised control over a transferred subject which should not have been exercised ?

A.—I will not claim knowledge on that head.

Q.—Your Association here is just making a vague allegation ?

A.—It is not a vague allegation and therefore I will try to explain it. For instance the Council insists on a cut of Rs. 60 lakhs. I take it the Minister would be very reluctant to forego even two or three lakhs of rupees from expenditure in education, etc. If he is made to forego that, it must have been done under pressure.

Q.—If the Council makes a cut, you think it should be all on the reserved side ?

A.—No, it need not be mathematically proportionate.

Q.—But I do not see what that has to do with the control of the Governor General in Council ?

A.—Then I will not claim knowledge.

Q.—In paragraph 16 of your memorandum you say :—" ....immediate and complete responsibility, in local affairs, so far as possible, was intended to be given." What do you mean by local affairs ? District board affairs ?

A.—No, provincial affairs.

Q.—What do you understand by the meaning of the word "progressive?" You say the first principle laid down in the Act was the progressive realisation of responsible government. What does progressive mean to your mind, does it mean immediate?

A.—All stages are progressive, it may mean immediate.

Q.—Progressive realisation of responsible government you say is equivalent to immediate and complete responsibility in provincial affairs?

A.—No. What I say is, progressive so far as the Montagu-Chelmsford Report or that of the Joint Committee is concerned. They say as far as the Local Council is concerned in all their provincial affairs they ought to be given as much freedom as possible.

(*Mr. Chairman*).—*Q.*—You mean in the transferred departments?

A.—As far as the Government is concerned, all departments. Progressive realisation whether the control of the Government of India or the Secretary of State should be relaxed or not, that was progressive. I read it in that sense.

Q.—You are not talking of relaxation of control here; you are talking of an entire removal of control?

A.—Within that unit immediate and complete responsibility in local affairs was intended to be given.

Q.—Was intended by these words "progressive realisation?"

A.—Yes, I think so.

Q.—You draw no distinction between progressive and immediate?

A.—So far as local affairs are concerned I do not.

Sir Sivaswamy Aiyer.—*Q.*—In paragraph 4 of your memorandum you say Land Revenue has not proved a growing source of revenue. May I know what is the percentage to which the land revenue is raised at each settlement?

A.—It is 33 per cent. in 30 years.

Q.—And you still say it is insufficient, that it does not grow fast enough?

A.—It is 33 per cent. in 30 years.

(*Dr. Paranjpye*).—*Q.*—And it need be raised to that percentage that is the maximum?

A.—That is the maximum.

(*Sir Arthur Froom*).—*Q.*—What was it raised to in the last settlement?

A.—The several talukas come in for revision settlements at different periods.

Q.—In paragraph 5 you speak of literary tests. What literary tests would you prescribe?

A.—As in our Presidency there is a difference of language there should be one language.

Q.—I merely wish to know your solution, your standard.

A.—My standard is whoever the Member is, he must be able to follow the proceedings.

Q.—What standard would you prescribe? Is it a school-leaving standard or a graduation standard?

A.—It may mean anything.

Q.—Unless we are able to lay down some standard, we cannot adopt a process of examining each candidate and putting him through a standard. What examination would you prescribe?

A.—He must understand and know English.

Q.—Then may I take it it is rather a pious aspiration rather than definite suggestion ?

A.—No, it is not a pious aspiration.

Q.—Then let me know what definite standard you would prescribe ?

A.—Say up to the matriculation standard.

Q.—And you think all matriculates are capable of following the proceedings ?

A.—No, as soon as they pass the examination they are not going to be councillors.

Q.—Don't you think there are many people who have never passed the matriculation standard who are able to speak very good English and are able to follow the proceedings ?

A.—Yes. But very few.

Q.—So it is not an invariable test ?

A.—No.

(*Mr. Jinnah*).—*Q.*—Would you not leave it to the thousands.

A.—If you leave it to the thousands of voters it is not satisfactory.

Q.—You say with regard to a resolution about the appointment of a Forest Committee, it hung fire because somebody was objected to. Was that in your opinion a reasonable objection, or a frivolous one ?

A.—It was an unreasonable objection.

Q.—Then with regard to sub-clause (2) of paragraph 8 :—" On several occasions the advice of Ministers for filling of posts in transferred departments was set at naught even to the extent of a minor appointment of a lecturer of a law-school." On what ground was it objected to, on account of unfitness ?

A.—No there was no unfitness ; only with regard to preference being given to either A or B.

Q.—On individual grounds ?

A.—On individual grounds.

Q.—Did the Minister object to it ?

A.—I do not know.

(*Dr. Paranjpye*).—*Q.*—If I say your statement is not absolutely correct, although there was some trouble about it, you will take my statement as true ?

A.—I will not pit my knowledge against yours ; I put it as it struck me.

Q.—In paragraph 8, clause 5, you say " Minister's advice for the transference of the control and management of administrative departments to local boards seems to be unnecessarily delayed." What departments ?

A.—At present local boards manage Education, Sanitation, Public Works and Medical. The proposal was that, as soon as this Act was passed, the regular administration of these should be transferred to the Board. They have not done so.

Q.—We are much more advanced in local self-government, does the local board have no administrative control over these things, Sanitation, Education ?

A.—No control.

Q.—Except to find the money ?

A.—Except to find the money.

(*Mr. Chairman*).—*Q.*—Not even under the new Act ?

A.—Not unless it is given by an executive order.

Q.—Do I understand you to say the difficulty referred to is a question of control over the staff ?

A.—No, it is more, everything.

Q.—They have not got any voice in the administration of these matters which are supposed to be under their charge ?

A.—Except in my district, where I have some rights over roads and public buildings, but that is an individual instance.

Q.—It was a concession to you ?

A.—A concession to me personally.

Q.—Then in paragraph 9 you say an opportunity of filling up a vacancy between Ministers and Executive Councillors was deliberately not taken advantage of. Will you kindly explain that ?

A.—Sir Ibrahim, was the Executive Councillor and his term was over on the 1st of March, but as the Council was in session, he was kept on till the 17th of March.

Q.—For 17 days longer, do you object to that ?

A.—No, but what I object to is that his post was not filled up till about the middle of July, and in the meanwhile his portfolio was carried on by other members. In the middle of July a Minister was appointed as an Executive Councillor and no new Minister was appointed, but another Minister was told to carry on.

Q.—I suppose there was some difficulty in selecting a suitable man ?

A.—I do not think there was the slightest difficulty in selecting a suitable man.

Q—Was it from a desire to save money ?

A.—No.

Q.—What was it due to ?

(*Mr. Jinnah*).—*Q.*—Do you approve of this practice that a Minister should be appointed a Member of the Executive ?

A.—No, I do not approve of it.

(*Sir Arthur Froom*).—*Q.*—Would you call it a practice ? How often has it occurred ?

A.—No, only once.

(*Dr. Paranjpye*).—*Q.*—And the Ministers are appointed for three years ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—Do you approve of that practice being introduced ?

A.—No.

Q.—In paragraph 11 you speak not merely of communal considerations, but of racial differences in every day administration. Could you give me an illustration of that ?

A.—I would rather avoid it.

Q.—Will you look at paragraph 15. You say the Ministers have absolutely no control over the services. What exactly do you mean by ' control '—the right of punishment or the right of posting or transfer—what exactly is it that you have in view ?

A.—In fact they have got absolutely no power.

Q.—Do you mean to say that if a Minister has got cause to find fault with a member of the service, he is powerless to do anything ?

A.—Yes.

Q.—Are you aware that in such cases the Minister can make a representation to the Governor, and if the Governor does not take action, the Minister has a further remedy in his hands ?

A.—Even then that is rather, from my point of view, not very satisfactory. He must have the power of passing final orders. The Governor might veto it or change it.

Q.—As a matter of fact, are you aware of cases where a Minister has found that the members of the services are disobedient or disloyal and require to be punished ?

A.—I must say, as far as the Bombay Presidency is concerned, the service has served them very loyally.

Q.—Then in this particular case you speak of other presidencies ?

A.—Yes.

Q.—Which are not within your experience ?

A.—No.

(*Dr. Paranjpye*).—*Q.*—As a matter of general principle ?

A.—As a matter of general principle.

Q.—With regard to the question of the cadre of the services, you said in reply to the Maharaja that you would like the cadre to be fixed by the Legislative Council—the cadre and the pay. Is that so ?

A.—Of future entrants.

Q.—But if the Legislative Council were given the power to change the salaries or the cadre from year to year—don't you think it would introduce an element of uncertainty ?

A.—I do but I am prepared to face it.

Q.—And don't you think that the needs of the administration may vary from year to year and that the Executive Government would be a better judge of the needs of the administration ?

A.—Yes.

Q.—And do you think that the best way of bringing the views of the Legislature and the Executive Government into accord would be further responsibility ?

A.—Yes.

Q.—Supposing you had responsible government, would you still insist upon the Legislative Council interfering from year to year with the cadre of the Services and questions of pay ?

A.—In that case I would not.

Q.—Apparently your remedies are of a purely transitional and temporary nature ?

A.—Yes.

Q.—You suggested that the nominated officials were no good and gave no help to the Ministers ?

A.—Generally.

Q.—Do you think that the official members in the Council have no knowledge of their subjects ?

A.—That I never meant.

Q.—Do you say they don't care to place their knowledge at the disposal of the Ministers but leave them to flounder ?

A.—Neither do I mean that. What I mean is this after all, over and above their usual administrative routine they are called upon to do this duty. Usually they are not used to public speaking nor are they used to marshalling facts.

Q.—But they could supply information ?

A.—They could.

Q.—They could be at the elbow of the Minister ?

A.—Yes, they could give any amount of information. My point is that as official spokesmen they have often not been very useful.

Q.—Is it because they are poor speakers or because they are unwilling to supply information to the Ministers ?

A.—I will not say they are unwilling to supply information.

Q.—Nor is it a question of incompetency to supply information ?

A.—No.

Q.—Then apparently it reduces itself to the first cause—their poor gifts as speakers ?

A.—Not only that. As I have said after all in these councils you want to guide them and get their votes, which requires different qualities.

Q.—They are not good enough as whips ?

A.—Oh ! they are good enough as whips.

(*Mr. Jinnah*).—*Q.*—You mean they don't make good Parliamentarians ?

A.—Yes, they don't make good Parliamentarians.

Q.—But do you think a non-official Secretary to the Council would be more useful than a nominated official member ?

A.—Certainly.

Q.—In what respect ?

A.—In this respect that his sole duty will be to assist the Minister and in this way, he will prepare himself from his point of view

Q.—Do you mean to say that if a Minister asks the officials who serve under him in his department to prepare a subject or coach him up, they refuse to do so or they cannot do so ?

A.—I don't mean that ; what I mean is that they do not take so much interest as a Council Secretary would do. They don't take so much interest because it is outside their sphere ; they think they are simply brought here for their votes.

Q.—With regard to the question of Hindu-Moslem relations, what is the position in your Province ? You said the problem was not acute ?

A.—Not at all acute—the relations are very good.

Q.—But not so good that they can dispense with communal electorates.

A.—That is because they have got it now and they are reluctant to let go what they have got.

Q.—Would they be willing to go back to a common electorate as distinct from a communal electorate ?

A.—Oh no, they will not now.

Q.—Then so far as the depressed classes are concerned, is there a general desire to help them on the part of the Legislative Council ?

A.—The relations between the depressed classes and the other classes in the Bombay Presidency are quite good.

Q.—I am referring to the Council—are the members of the Council generally willing to help them on ?

A.—They are quite willing to do anything ; there is absolutely no opposition.

Q.—No fear of hostility or indifference ?

A.—Absolutely none. On the contrary, there is every desire to help.

Sir Arthur Froom—*Q.*—Mr. Chitale, although the question has been put to you several times, I would like to ask you again—you are against communal representation in the Bombay Presidency ?

A.—Oh, yes.

Q.—Would you apply that to all other presidencies and provinces in India ?

A.—I won't express an opinion. On principle I am against it.

Q.—You are against it on principle and therefore you will follow your principle in connection with other provinces in India as a general principle without studying the case of each ?

A.—Yes.

Q.—And you would follow that principle up to the Central Government—elections to the Central Government ?

A.—Oh, yes.

Q.—As a result of all this you might have one community at the top. You don't think you would ?

A.—No.

Q.—Now, I think you told our Chairman that the members of the first Council in Bombay—20 or 30 per cent. of them were illiterate ?

A.—They were not able to follow the proceedings.

Q.—We all understood that ; they could not follow the proceedings with intelligence. Does that apply to the second Council ?

A.—It is much the same.

Q.—So the electorate has not progressed in selecting members of this type ?

A.—They have progressed a little.

Q.—You were a member of the first Council ?

A.—Yes.

Q.—You did not hold any office ; you were just an ordinary member ?

A.—Yes.

Q.—And before you went into the Council I take it you acquainted yourself with the Government of India Act, 1919 ?

A.—Certainly.

Q.—And you entered the Council, you entered on your new duties cheerfully in the hope of making them a success ?

A.—Quite.

Q.—And you recognised that the power given in the Government of India Act, 1919, was a considerable advance over the Morley-Minto reforms ?

A.—Oh, yes.

Q.—And also you recognised that this considerable advance was only for 10 years, and after 10 years there would be another advance ?

A.—No, I did not consider that it was definitely for 10 years.

Q.—It is laid down in the Act itself.

A.—No.

Q.—At any rate, I will put the question in another way. You recognised that after 10 years of this considerable advance there would be an enquiry ?

A.—No, even before that there could be an advance. That is what was said in open Parliament.

Q.—May I put the question again ? You went into the Legislative Council at the beginning of 1921 recognising that the reforms under the Government of India Act, 1919, was a considerable advance over the Minto-Morley Reforms ?

A.—Oh, yes.

Q.—And that that Act was only to have effect for 10 years ?

A.—A maximum period of 10 years.

Q.—But it is laid down in the Act.

(*Mr. Jinnah*).—No, it is not. Section 88 lays down that there *shall* be another enquiry at the end of 10 years but that does not preclude an enquiry prior to that.

(*Mr. Chairman*).—Do not let us dispute about that.

Q.—Very well, I will leave it. Then I gather, Mr. Chitale, that after some experience, although you read the Government of India Act and entered upon your new duties quite cheerfully with every hope of achieving a good deal—after some experience you were disappointed ?

A.—Absolutely.

Q.—And I gather from the various remarks you make in this memorandum that your disappointment was keen ?

A.—Oh, yes.

Q.—And that Act did not quite work out where you thought it would ?

A.—Yes, that is also true.

Q.—It does not mean that the Act did not work out in the way it should have ?

A.—I don't follow you.

Q.—Well, you read the Act and you entered upon your duties cheerfully ?

A.—Oh, yes.

Q.—I put it to you that the Act was not so much at fault as its administration.

A.—I put it down to both.

Q.—But at any rate the administration of the Act perhaps in your Presidency(which is my Presidency also) counted for a good deal of your disappointment—the way in which the Act was administered ?

A.—Quite true.

Q.—There is another point—Finance. That also I suggest to you or I would ask : you consider that the absence of funds had also to do a great deal with the disappointment of Ministers ?

A.—I said so.

Q.—How would you remedy that ?

A.—Well, give us full power of autonomy and then the people would be quite prepared to pay what they are asked for.

Q.—You mean full power of autonomy would produce money ?

A.—It would produce representatives who could find money for Government. At present all Government measures are looked at askance by the people.

Q.—And if you had full autonomy you would have largely increased taxation ?

A.—Well, the representatives if they thought proper and if they had the full Council at their back, would find money.

Q.—Of course, you know there was a Great War extending over a number of years.

A.—Yes.

Q.—And regardless of the War, I suppose the financial position of India is better off than that of any other country in the world ?

A.—I do not accept that.

Q.—The troubles due to the Great War have been acute for some years with nearly every nation owing to shortage of money and India is no exception ?

A.—In my Presidency we had our five crores. I think Government should have conserved that energy.

Q.—You are harping back to this five crores.

A.—Why not ? It is not a small sum.

Q.—You admit that the expenditure was justified ? 2½ crores went to better the pay of the services. You had no quarrel with that, I suppose ?

A.—That is the recurring expenditure. What about the non-recurring expenditure ? We had after stringency put by about 5 crores. It disappeared by the time we assumed our duties.

(*Sir Sivaswamy Aiyer*).—*Q.*—How did it disappear ?

A.—Because, soon after the Armistice in 1918, there were plenty of roads and buildings going on right merrily.

(*Sir Sivaswamy Aiyer*).—*Q.*—Money was spent on these things. These things were not wanted ?

A.—In view of the reforms they could have waited.

Q.—I think you told one of my colleagues that so far as the Bombay Presidency was concerned—because you were only speaking of the Bombay Presidency—you would stop recruitment of Britishers to the services at once ?

A.—For some time.

Q.—And the question of any further recruitment of Britishers to the services in your Presidency should be determined by the local Government ?

A.—Yes.

Q.—Coming back to my first question, you are entirely against communal representation in the Bombay Presidency ?

A.—Yes.

Q.—And these two things combined, don't you think it might produce a Government in Bombay in which one particular community will be predominant ?

A.—I am not at all afraid of it. It will not.

The President thanked the witness who then withdrew.

Thursday, the 28th August, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. Shaffat Ahmad Khan, M.L.C., United Provinces.

EXAMINED BY THE CHAIRMAN.

Q.—You are a member of the Legislative Council of the United Provinces ?

A.—Yes.

Q.—And you are head of the Department of Modern Indian History in Allahabad ?

A.—Yes.

Q.—Do you belong to any political association ?

A.—No. I am an independent Member of the Council.

(*Dr. Paranjpye*).—Which is your constituency ?

A.—Moradabad, Rohilkund.

Q.—I think you are wrong in saying that " the Prime Minister is unknown at law." Is it not so ?

A.—I think that till 1913 the Cabinet was not known to law.

Q.—I think it is just the other way. The Prime Minister is now known to the Law and the Cabinet is still unknown ?

A.—It is purely a technical point. I do not exactly remember the date given in Anson's " Law of the Constitution."

Q.—You say that a good deal of hostility to the Act is due to the fact that an Indian is not appointed Finance Member.

A.—I believe that it is absolutely essential, if the working of the Government is to be smooth, that an Indian should be appointed Finance Member in the provinces.

Q.—We were told the other day that an Indian is a Finance Member in one of the provinces.

A.—There is one in Bihar and Orissa, but this is quite an exception.

Q.—You don't think that the reason why an Indian is not appointed is that it is more or less a technical matter ?

Q.—I do not know. I think Indians really are not given any opportunity in the Secretariat. In my own Province—the United Provinces—the Indians in the Secretariat are so few that we raised the point at the last Budget debate. We were of course given very good many promises but I am afraid that nothing will come of these.

Q.—I will put it to you in this way, that you cannot bring in a new man and put him at the head of the Secretariat just as you do in the case of heads of trading firms. You must begin by putting him in as Under Secretary.

A.—Yes.

Q.—I think it must be a slow process. Look at the Government of India. There are a large number of Indians in the Secretariat. Is it not so ?

A.—I think it has been a snail's progress, if you will excuse my saying so.

Q.—I think there is one Department of the Government of India which is completely Indian—Member, Secretary, Deputy Secretary, Under Secretary and Registrar are all Indians.

A.—I was talking of the Finance Department.

Q.—Particularly in the Finance Department? Well, we had a very distinguished Indian on the Council the other day, a Member from the Finance Department, if not in the Finance Department.

A.—Yes.

Q.—I merely suggest to you that considerable progress has been made in the last five years.

A.—I admit that, but not substantial progress.

Q.—You would like it much quicker?

A.—Certainly.

Q.—Look at (*c*) on page 2 of your printed memorandum. You say: "The party system has been replaced by the personal following which a Minister may command. This is a vicious system, on the whole; for though an able Minister may command a large following by sheer force of merit, incapable Ministers are compelled to resort to devious ways for the augmentation of their following. That this has brought in a large amount of despotism and corruption in its train cannot be doubted" .....Would you tell us what you mean by "corruption"?

A.—By corruption I mean the influencing of the Members of the Council by.....

Q.—By actual payment of money? By actual buying?

A.—Not by direct payment of money.

Q.—By promises?

A.—Certainly.

Q.—By transfers?

A.—Not transfers. The appointment of Honourary Magistrates and so forth.

Q.—I heard it said the other day from a reliable source that members used to go to Ministers and say, "My brother-in-law is at present in station X. He has not been very well. Unless you transfer him to station Y, I won't vote for you." Have you ever heard of that?

A.—I have not come across any instance exactly like this. There may be cases like this, I admit. I am sure that this is due solely to the lack of any party organisation.

Q.—I did not ask you what it was due to. I am asking whether it exists?

A.—It is a fact, certainly.

Q.—Then, what do you mean by "despotism"? Corruption, I understand, as now explained.

A.—I must say that I did not use the word in its purely literal sense. By despotism I mean the ascendency of a particular Minister through the influence which he exercises and that, I believe, is unjustifiable.

Q.—You find that the Minister has the same tendency to become despotic as the official. Is that the point? Once he gets the power, he wishes to exercise it?

A.—Even if he is despotic he is subject to the Council. That is the main point. I should prefer the one despot to the other.

Q.—Do you mean by despotism a liking for authority? I do not know what you mean by that word. Do you mean that he becomes impatient of control?

A.—I do not mean that.

(*Sir Henry Moncrieff Smith*).—*Q.*—Autocratic?

A.—No.

Q.—What do you mean by despotism?

A.—I simply employed it in this sense that he tries to increase his influence, and to maintain his influence by unjustifiable means. Of course, that is not the ordinary meaning of the word. But I used it in a peculiar sense.

(*Mr. Jinnah*).—*Q.*—We will omit that word?

A.—You may delete it.

Q.—You say: "This has brought a large amount of despotism and corruption in its train." You mean despotism is a phase of corruption?

A.—Yes.

Q.—You say that an Indian Member of the Executive Council should resign when he is defeated?

A.—I should certainly like this to be the convention.

Q.—Supposing he is an Indian Member of the service. Is he to resign his service?

A.—I do not mean to say that he should resign his service. I was referring to an Indian Member who is *not* a Member of the service.

Q.—You would not insist on an Indian Member, who was a member of the service, resigning?

A.—Certainly not.

Q.—Because it would really be harsh on him. Would you look at paragraph (h) on page 3? You say: "The electoral rules need modification, both as regards the qualifications for electors, and candidates for election." Would you amplify that?

A.—I should like the qualifications for electors to be enlarged. I think it is in many cases very narrow.

Q.—You want to widen it?

A.—I should certainly widen it.

Q.—What about the qualifications for candidates?

A.—As regards the candidates for election, I am inclined to think that it will be best to abolish the residential qualification altogether.

Q.—You don't mean the educational qualification?

A.—Not at all.

Q.—Because, that was put to us the other day?

A.—Certainly not. My meaning is that a person from Madras can try for a seat in the United Provinces if he has an established reputation. I should abolish all distinction as regards place of residence.

Q.—Do you think he will have a sufficient chance of being elected?

A.—It all depends upon the man, his ability, his reputation and his fame.

Q.—It has been represented that the candidate should be a man who is known to the electorate so that they may have opportunities of judging him. You don't accept that ?

A.—If a person of the calibre of Lala Lajpat Rai came to the United Provinces, everybody knows him and I see no objection at all to a person choosing him as a candidate. Why should he be debarred because he happens to be 100 miles away from that province ?

Q.—Do you see any objection to a Madrasee standing for your province ?

A.—No. I will only be too glad if he is a competent Madrasee.

Q.—That is not altogether the view that is taken in other places. Are you aware that there is a considerable amount of feeling against Bengalees, for example, in Bihar ?

A.—I admit that there is a feeling also in the United Provinces. But I think in the case of an election to the legislature, if there is a competent Bengalee, I should certainly not turn him out simply because he happens to be a Bengalee.

Q.—Unless he was a man of outstanding ability, he probably would not get elected ?

A.—Certainly not. But if he is a man of outstanding capability, why should he not be elected ?

Q.—I don't think we have had that put before us. What has generally been put to us is that everybody in every community would wish the candidate to belong to that particular community, that is, communal representation.

A.—If a Hindu gentleman from Madras wants to represent a Non-Muhammadan constituency in the United Provinces, why should he be prevented from doing so ?

Q.—Would you object to a Hindu gentleman from Bengal standing for a Muhammadan constituency in your province ?

A.—I certainly would, for the present.

Q.—How do you justify that ? Your view is that the best man should be got ?

A.—I will explain my position, in the course of my evidence.

Q.—I am asking you this question here.

A.—Communal representation is only temporary. We hope to be able to do away with the necessity for it, when suitable time comes.

Q.—The logical consequence of your view is what I have stated.

(*Mr. Jinnah*).—*Q.*—Is it practical for the present ?

Q.—Don't you think it is certainly illogical ?

A.—I don't see that. If you take everything from the point of view of logic, you really cannot have any communal representation at all.

Q.—But you have actually begun on a purely logical basis. What do you mean by saying that the electorate is " moderate " in paragraph (1) ?

A.—It has been wrongly printed. I meant " Illiterate ".

Q.—It is rather important. "Illiterate" and "moderate" do not go together.

A.—Yes.

Q.—You are for the extension of primary education ?

A.—Yes.

Q.—Although you are a University Professor, you would be glad if some money is taken away from the Universities and spent on primary education ?

A.—I am strongly in favour of a larger amount being spent on primary education.

Q.—Even if it involves a cut in secondary education ?

A.—I think we have been really extremely slack with regard to this matter. If you will allow me, I will just put in a few figures. In the United Provinces only 43.5 per cent. of the total expenditure on education is incurred on primary education. I think that is grossly unfair. This distribution of expenditure on education ought not to be allowed.

Q.—Then, you regard the large increase in the number of Universities as unsatisfactory ?

A.—I should not go so far as that. It all depends upon the needs of the province.

Q.—If it came to a question of raising a new University or spending money on primary education, you would vote for the latter ?

A.—Even then I would not subscribe to that view. It all depends upon the type of University. If you have an affiliating University you don't require much money.

Q.—You are in favour of the establishment of a Civil Service Commission ?

A.—I am strongly in favour of it.

Q.—I take it you are against the spoil system. You would not allow the Minister much patronage ?

A.—No.

Q.—You don't think it will be rather difficult for him to form a party in that case ?

A.—If a party can be maintained only on this condition, I would rather have no Ministers at all.

Q.—And you recognise that the time for the abolition of dyarchy has not yet come ?

A.—I won't go so far as that. I thought that in view of the terms of reference to this Committee I was not really competent to suggest an amendment of the Act. Otherwise.....

Q.—I merely invite your attention to your own statement. You say "I would suggest 1929 as the time by which the abolition of dyarchy in the provinces will become essential."

A.—I won't restrict it even to 1929. If it can be brought earlier, it can be done. I am not a great stickler for any particular year.

(*Dr. Paranjpye*).—*Q.*—You would modify that ?

A.—I would certainly modify that.

Q.—Now I come to the last part of your memorandum which deals with adequate safeguards for Muhammadans. In paragraph 5 of your memorandum you lay down certain fundamental propositions.

A.—Yes.

Q.—You adhere to them ?

A.—I will discuss them when we come to them section by section.

Q.—You would adhere to those propositions ?

A.—Yes, with the exception of the second part of No. 3.

Q.—That means, the Muhammadans should be adequately and effectively represented in the public services of their country.

A.—That should be laid down. But the other part of the same section I should like to leave out.

Q.—You would like to modify the last part " that a certain proportion of Muslims should be fixed for all Government servants, servants employed by the local authorities and other bodies created and maintained or adequately subsidised by the State."

A.—If you will allow me, I will just explain my reasons for it.

Q.—One minute. Then I gather that you wish to omit that second proposition ?

A.—Yes.

Q.—Will you explain why ?

A.—My reason is that it is extremely hard for a majority, say in a particular province like the Punjab, to be turned into a permanent minority.

Q.—We are talking about the proportion of Muhammadans in appointments—No. 3 on this page.

A.—As regards the appointments, I think that in the minority provinces, the representation of the Muslims in the Council does not guarantee effective representation in the administration. They will be permanently in a minority in the Local Council, and consequently they can exercise very little control over the administration of the country, so that, unless some safeguards with regard to their representation in the administration is actually inserted in any change that may be suggested in the structure of the Act, I should hesitate to approve of it.

Q.—I have got that. I have got all these propositions that you put down as fundamental. You say that the Muslims will never consent to any change in the Act that does not embody the propositions that you have laid down. I asked you whether you would adhere to those propositions and you told me that you would with the exception of this fixation of the proportion in No. 3. Why do you want to change your proposition ?

A.—Because, I think that it is not very material. Self-government will create a new atmosphere of harmony, it will habituate people to the policy of give-and-take, and will, I am convinced, lead them to work on essentially progressive lines, and not on communal lines.

Q.—You don't want any fixed proportion ?

A.—So far as the local bodies and other bodies created and maintained by the State are concerned.

Q.—You adhere then to the first part ?

A.—With regard to the first part, I should certainly stick to it.

Q.—You stick to it that a certain proportion of Muslims should be fixed for all Government servants ?

A.—I think that is what it amounts to.

Q.—I only want to get at your views. I understand that (3) as amended by you would mean that you would insist on representation of Muslims in the public services of their country.....

A.—But only for a limited period.

Q.—You insist on the fixation of a certain proportion in Government servants but you do not insist on the fixation of proportion in the case of local bodies and other authorities mentioned in the remainder of the clause. Is that so ?

A.—Yes, provisionally.

Q.—What do you mean by " provisionally " ?

A.—For a fixed period, say, for 10 years or 15 years. I should not like to make it permanent.

Q.—Give us some sort of idea of " provisional ".

A.—I mean that communal representation is not an ideal scheme, but is only provisional.

Q.—Can you put any sort of date to the period ?

A.—I certainly would not like to fix any date. It is so vague and so uncertain. It depends so much on how the system works, and whether the Muslims are satisfied. I myself believe that it will not last a long time.

Q.—Would you fix it at 10 years ?

A.—No.

Q.—20 ?

A.—I do not want to commit myself to any particular period.

Q.—Would you go to one year ? I must get some idea.

A.—No, certainly not.

Q.—Much more than one year ?

A.—It will be more than one year. That is all I can say.

Q.—It is hardly worth while putting it into the Act if it is a little more than a year.

A.—The phrase " more than one year " does not mean two years.

(*Mr. Jinnah*).—*Q.*—I want to know this. You want to have a fixed number of posts assigned to the Muhammadans according to population ?

A.—I did not say " according to population ".

(*Mr. Jinnah*).—*Q.*—Then according to what ?

A.—According to their political importance.

(*Mr. Jinnah*).—*Q.*—And when you fix the number, and if you cannot get a sufficient number, what would you do ? Would you give it to inefficient men ?

A.—It all depends on what " inefficiency " means.

(*Mr. Jinnah*).—*Q.*—Suppose, for the moment, you cannot get a sufficient number.

A.—I take it my whole proposition is based on the assumption that you can. I took it for granted before I enunciated this proposition.

(*Mr. Jinnah*).—*Q.*—Is it not dangerous to fix a number ? Could you not find any other method ?

A.—I am not suggesting any particular number. I say there must be a fixed proportion.

Q.—I understand your point quite up to the point " provisional ". How long is " provisional " to be ? Do you mean till men love one another, till the millennium ?

A.—I should say 15 years. It is very difficult to say it, off-hand.

Q.—I quite agree that it is impossible to fix it. Would you mean for a considerable period ?

A.—I won't say that. I do not like the principle of it. But I think it is necessary for some time.

Q.—Would you take the period of the Act—10 years—till 1929 ?

A.—Possibly it will not last more than 15 years.

Q.—I only want to know whether it is worth while amending the Act for only a provisional thing. You say that 15 years is the period for which you would like this provision ?

A.—Yes.

Q.—Do you think you are representing the general view of the Muhammadans in the United Provinces ?

A.—So far as the question of communal representation and so far as proposition (2) and I think (3), are concerned, I may say that I represent the view of the majority of the Mussalmans in the United Provinces.

Q.—We have heard a good deal about the tension between Hindus and Muhammadans in your province. Do you think it is bad at present ?

A.—I think it will pass away soon.

Q.—It will pass ?

A.—Certainly.

Q.—You don't think that communal representation is one of the causes of the friction ?

A.—I don't think so. I think personally that during every election time if you had no communal representation, you would have riots and disorders all over the place. That is my experience of the election compaign.

[*A.*—I don't think so. I am convinced that, if there were no communal representation, every election will be attended with considerable anxiety to the local authority. There may even be riot and disorder, in some places. That is my experience of the election campaign.—*Note* :—As subsequently corrected by the witness ".]

Q.—I want to be quite fair to you. I take it that you recognise that this representation is not ideal ?

A.—Certainly.

Q.—And you merely put it forward because you feel that the practical every day requirements of the province render it necessary ?

A.—Yes.

Q.—And that you yourself would be glad to see it given up ?

A.—I would certainly.

Q.—You think that the time has not yet come, but it can be done ?

A.—Yes.

Maharaja of Burdwan.—*Q.*—I understand you come from Agra ?

A.—I come from Allahabad. I was staying at Agra when I wrote the memorandum.

Q.—You said that you represent Moradabad constituency in the Local Council. What constituency is it—rural or urban ?

A.—Rural.

Q.—Have you been a member of any local body there ?

A.—No, I have not been.

Q.—You have never been at a District Council or District Board or Taluk Board or whatever it is called in your province ?

A.—I have not been on any local body.

Q.—What made them return you as a member ?

A.—Because, in the first place, I am a Zemindar, and my family possesses some property in the Moradabad District ; and in the next place, they wanted a man who could do good work in the Council, and could not find any other competent man.

Q.—I see that you are very strong on this question of communal representation. Don't you think when you say " There must be adequate guarantees as regards religious liberty and freedom of conscience " that that applies to all castes ? A Hindu might say, ' I must have adequate guarantees as regards religious liberty '.

A.—I am not going to deny the same right to Hindus. I say it with reference to any religion in India.

Q.—But here you put forward specially the case of the Muhammadans ?

A.—Yes.

Q.—Why is it that you have put it forward specially for the Muhammadans ? I should have thought that every legislature in India does provide adequately what you may call guarantees with regard to religious liberty to all the castes in India. I can understand your asking for communal representation, because we admit that it is a necessary evil. You have got to have it for the sake of peace and amity between the two great communities of India. What I fail to understand is why you should bring in this question of safeguarding the religious liberty of Muhammadans only. I should have thought that it is hardly necessary.

A.—The mere fact that I put that down here does not do away with the necessity of the application of the same principle to all other religions in India.

Q.—But you say in the end : " I believe these are the minimum demands of the Muslims of India." If you put that down, and if that goes down, it rather tends to show that the Hindus have got religious liberty and the Muhammadans have not. But that is not the case ?

A.—This was not my intention and I think that this does not bear out the construction which you put upon it.

Q.—In that case, you ought to qualify it. You ought to say that there must be adequate guarantees as regards the religious liberty and freedom of conscience of all classes, not simply for Muhammadans.

A.—I should have thought that the mere fact of such a general principle being embodied in the Muslims demands, would not lead any one to suppose that I wished to restrict it to them.

Q.—It does. You say in the end " I believe these are the minimum demands of the Muslims of India." This is rather important, because it might be construed that whereas the Hindus or the Jains or the Bhuddists or the Christians enjoy religious liberty, the Muhammadans do not. And I don't think that is a fact.

(*Mr. Chairman*).—*Q.*—You are prepared to qualify that statement ?

A.—It is not a question of qualification of the statement. The principle applies to every religion.

(*Mr. Jinnah*).—*Q.*—While you claim this for the Muhammadans, you do not deny it to any other religion ?

A.—Certainly not. It does not do away with the necessity for its application to other religions.

(*Dr. Paranjpye*).—*Q.*—You advocate it equally for all others ?

A.—Yes, for every religion.

Q.—What was the necessity for these guarantees ? Has the question arisen that these liberties have been encroached upon ?

A.—I did not say they have been encroached upon, but there may be a possibility of their being encroached upon.

Q.—It strikes me that if it has not been encroached upon and if it is redundant to say so, what is the need of saying that these are the minimum demands of the Muslims ? Don't you see that when you try to advocate a thing as if you are speaking for all the Mussalmans of India, it is rather a big thing to swallow—to say that they want to have guarantees of religious liberty ? It applies to every other religion.

A.—I think you are returning to the same argument. I have just stated that this sentence was not confined to the Mussalmans but that it applied to all others.

Q.—What was the need of that sentence ? Is there no adequate guarantee at the present moment ? Has any occasion arisen when these liberties have been encroached upon ? Or do you mean to say that the guarantees are not sufficient ?

A.—I was looking simply to the future. If you look up any constitution, the system of any Government, you will find that every Government makes provision for the maintenance of religious liberty.

Q.—Is there not sufficient safeguard about religious liberty in British India at the present moment ?

A.—Certainly, there is.

(*Mr. Chairman*).—*Q.*—Let me put it to you. You admit that at present there is a sufficient guarantee in the British Government. Is it that you fear that in any future Government that guarantee may not exist ?

A.—I must say I do not fear anything at all. But I think that it will do no harm if a clause like this is put in.

(*Mr. Chairman*).—*Q.*—There is at the back of your mind a vague suspicion that something of the kind might happen ?

(*Sir Sivaswamy Aiyer*).—*Q.*—Let me put it to him. Is it not rather in the interests of the theoretical perfection of constitution making that you put that forward ?

A.—I should certainly express it like this.

(*Sir Sivaswamy Aiyer*).—*Q.*—It is not so much on account of the experience of any want of its application in the administration.

A.—Yes. Every constitution makes provision of this kind.

(*Mr. Chairman*).—*Q.*—There is no suspicion in your mind ?

A.—Certainly not.

Q.—That's what I want. Do you think that when you get provincial autonomy in your province, unless you had some guarantees of this kind, you are likely to suffer ?

A.—My point of view was.....

Q.—Yours is a general enunciation ?

A.—Yes.

Sir Henry Moncrieff Smith.—*Q.*—On this point of the fixation of a proportion for Mussalmans, you just now made a distinction between Government servants and servants under local bodies. Can you explain why ? I am afraid I did not understand from your answer why you drew that distinction.

A.—Because, so far as the local bodies are concerned, I am inclined to think that when self-government develops, and when we get full responsible Government, that the suspicions which we are feeling now will disappear and we will develop, I hope, that consciousness of social solidarity, and common citizenship.

Q.—Don't you have the same feeling of confidence with regard to Government service ?

A.—With regard to Government service, I particularly emphasised the point that it was limited to a period. It is not ideal.

Q.—What particular contingency do you have in mind which in future will remove the necessity for this safeguard ?

A.—I think the contingency is that when we are trained in the sense of responsibility and discipline, we will know that these distinctions are absolutely evanescent and we will work as members of one body politic rather than as members of a particular sect or religion.

Q.—In the earlier portion of your memorandum you discuss the failure of attempts to form a party system. You discuss the causes of the failure. You say that it is due to the distinction between " reserved " and " transferred " subjects and to the lack of any principle that will bind the various groups together ?

A.—Yes.

Q.—Do you ascribe in any degree the failure of the formation of party systems to the existence of communal parties ?

A.—So far as communal parties are concerned and my experience of this matter is limited to the Legislative Council—there are no communal parties in the United Provinces Legislative Council. Some Muhammadans tried to form a Muhammadan party, but the majority were against it. I do not think that this is due to the existence of communal parties.

Q.—Actually parties were not formed, but was it your experience in the United Provinces Legislative Council that when a division was called, you generally found 95 per cent. of the Muhammadans in one lobby voting on one side ?

A.—I should not say generally. There were a number of questions on which half of the Muhammadans were on one side and the other half on the other side. Take, for instance, the question of the extension of the settlement from 30 to 50 years. This matter came up before the Legislative Council three times, I believe. Once a resolution was brought in the Council and that was passed. Next the whole of the item about 6 lakhs for settlement operations was turned down by the Council and some of the Mussalmans, I should say all the Mussalmans, joined the Zemindars and the Government was defeated on that. Then, again the Government brought in a supplementary estimate on the 4th or 5th—I am not certain as regards the exact date—of April 1924 and again the Government was defeated. There was no question of Mussalman siding as a Mussalman in the local Council. I am definitely opposed to it and so are the Mussalman M. L. C.'s of the United Provinces. It is a vicious system

Q.—Then you think that the maintenance of communal representation, communal constituencies, will not hamper the formation of parties, political parties ?

A.—Yes. On the assumption that this communal representation will not be permanent, and that it will disappear.

Q.—You are prepared to have communal representation go in the end. It obviously would not hamper the party system then. But as long as it subsists, will it be an obstacle ?

A.—I think that it would not be a very serious obstacle, I admit that it will be to a limited extent ; but I do not think that it is so insuperable a difficulty. I do not think we shall always vote on every question on communal grounds. It is impossible.

Q.—You agree, do you, that the formation of a party system is really essential before responsible government can have a fair chance ?

A.—I think that is a doubtful principle. It all depends on what you mean by party system. I should certainly prefer some system—some group system—whereby there are no definite parties one marked off against the other. Under the group system one party shades imperceptibly into the other, and results in the combination of various groups whereby the Government is formed.

Q.—Don't you think, if that happened, that the Ministers would feel very insecure. You say the Minister should resign if he was defeated. If he had not any party behind him, will he have any sense of security at all ?

A.—It all depends on the combination that he achieves and the size of the group.

Q.—If he achieves a combination, will that be a party or will he have to form a party on any particular matter that he takes before the Council ? Is that what you contemplate, forming a party for each matter ?

A.—No. I certainly contemplate the formation of a party with clear principles, but I do not formulate it on the principle on which it has been worked, say in England, before the advent of the Labour Party. The party system rested on the assumption that there are only two parties—Conservatives and Liberals. That has been the principle there.

(*Mr. Chairman*).—*Q.*—You certainly prefer the French system ?

A.—Yes.

Q.—You say at the top of page 3: "Little time is given to the non-official resolutions, and matters of the greatest importance are given comparatively little attention." Was it your experience of the local Council that the converse proposition is also true, that a great deal of time was devoted to matters of very small importance ?

A.—Not now. I admit in the last Council a number of resolutions dealing with what I may call parochial topics were admitted. But this year I was informed by the President of the Council himself that as the Council members had more experience he was going to admit only those resolutions which related to the general interest of the province.

(*Mr. Chairman*).—*Q.*—It is not an improvement in the Council.

Q.—As the Chairman suggested, it is not an improvement in the Council. The Rules and Standing Orders are the same. It is only a change in the attitude of the President ?

A.—And the resolutions which are now admitted are general in scope.

Q.—I suppose you have seen the rules that apply to resolutions. If the President is able to disallow resolutions of what we may call parochial interest now, couldn't he do so before ?

A.—He did not do it before, because he thought that the members were inexperienced. That was his reply. But this year the resolutions that have been adopted have been of a general scope. Even so, it is impossible for non-official members to get important resolutions admitted for discussion in the Council. More time, I think, ought to be given for such discussion.

(*Mr. Chairman*).—*Q.*—Have you yourself had any difficulty in getting admitted a resolution which you regarded of the highest importance and which was very largely supported by your own particular party ?

A.—Yes, I have had.

(*Mr. Chairman*).—*Q.*—Have you ever put down 30 or 40 names to a resolution ?

A.—I do not know about putting names. They were all in sympathy. But very few members take the trouble of putting their names for ballot.

(*Mr. Chairman*).—*Q.*—If in the Assembly members are anxious to get resolutions admitted, a number of them all put their names down for the ballot—40 or 50 names. That insures their getting the resolution.

A.—That system is not in operation, in the United Provinces. Only once has this method been resorted to.

(*Mr. Chairman*).—*Q.*—It is rather a good system ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—Have you got the ballot system ?

A.—Yes, we have.

(*Mr. Jinnah*).—*Q.*—If you have got the ballot system, what the Chairman suggests is this. If 40 or 50 members send in the same resolution you have chance of drawing it.

(*Mr. Chairman*).—*Q.*—You were saying that very few members take the trouble of putting down their names for the ballot.

A.—There is no party system. You could not even get 40 persons together upon any particular question.

(*Mr. Chairman*).—*Q.*—If you cannot get a considerable proportion of members on a particular question, how can it be a question of the highest importance ?

Q.—Even though as you say members take no interest in questions, and it is only the member who wants to move a resolution, could he not induce them to put their names down ?

A.—If you allot 2 days out of 11 for non-official resolutions, you cannot really expect all the important resolutions to be discussed. You ought to allot more time.

Q.—That is quite another point.

A.—What I wished to emphasise was that sufficient time is not allotted. Accordingly I have said "that little is given to non-official business".

Sir Sivaswamy Aiyer.—*Q.*—In page 1 you suggest the appointment of an Indian as Finance Member ?

A.—Yes.

Q.—Apart from the satisfaction of Indian claims, do you think that it will solve any friction between the Reserved and the Transferred Departments ?

A.—I think it will go far towards diminishing the suspicion of the members as regards the Finance Department. But it would not solve the difficulty, I admit.

Q.—You refer to the existence of an Indian Finance Member in one province ?

A.—Yes.

Q.—Are you aware that even in that province the Ministers complained of the control of the Finance Department ?

A.—I am not aware of that.

Q.—Very well, you may take it from me that they do. In page 2, sub-paragraph (c), I believe you refer to the Crewe Committee's recommendations ?

A.—Yes.

Q.—You are in favour of those recommendations being adopted ?

A.—I should certainly have preferred that, but in my opinion even they did not go far enough.

Q.—Are you in favour of the recommendations being adopted ?

A.—I am in favour certainly.

Q.—In page 3 you advocate a much larger proportion of money being spent on primary education than on University and secondary education ?

A.—Yes.

Q.—What do you think is the amount required for the development of universal primary education in your province ?

A.—I cannot reply to that question unless I have complete data before me.

Q.—But it will amount to a few crores ?

A.—It cannot amount to less than one crore a year.

Q.—What is the population of your province ?

A.—About 50 millions.

Q.—I though it was small. Would you approve of the whole of the money available for education being spent on primary education ?

A.—No, I would not approve of that. What I suggest is that there must be some principle laid down with regard to the proportion of money to be spent on University and secondary education on the one side, and primary education on the other side.

Q.—May I take it that you feel that a great deal more ought to be spent on primary education than is being done now ?

A.—Yes.

Q.—Or do I understand you to belittle the importance of University and secondary education ?

A.—I do not belittle the importance at all.

Q.—Do you think that the country would do well if it insisted on primary education to the neglect of University and secondary education ?

A.—I think all three must be carried on *pari passu*.

Q.—And it is after all a question of degree as to the amounts to be distributed between these various branches of education ?

A.—Yes.

Q.—You know that in Burma primary education is almost universal ?

A.—It is.

Q.—You consider them more advanced than ourselves in British India ?

A.—This argument does not apply. If you read the report of the Director of Public Instruction, you will find even there is an agitation against the system of indigenous education given in Burma. I do not think the mere fact that ecclesiastical institutions carry on that work justifies the whole country to be regarded as advanced. Primary education, to be efficient, must be maintained on a definite basis. It must be secular to begin with. By secular I mean the state must definitely undertake the responsibility for the establishment and organisation of primary education.

Q.—I suppose you do not approve of the education imparted by Maktabs and so on ?

A.—I do, but it must be supervised by the State. The supervision must be maintained.

Q.—You think that universal primary education would help the people to understand political issues much better—mere knowledge of the three R.'s ?

A.—Personally I think it will be certainly useful, and it will be helpful.

Q.—I quite appreciate the importance of primary education, but for political purposes, for enabling people to exercise their judgment upon political issues, do you think the mere development of primary education is sufficient ?

A.—I do not say the mere development of primary education. I mean all grades of education.

Q.—Do you think that the Muhammadan community is backward in education ?

A.—It is backward, I think, in some provinces.

Q.—Is it backward in the United Provinces ?

A.—In the United Provinces it is not comparatively backward. But in some grades of education it certainly is.

Q.—What do you mean by " comparatively " ?

A.—My community is not backward when it is compared to Bengal. That is what I mean by ' comparatively '.

Q.—It is more advanced than the Muhammadans of Bengal ?

A.—Yes.

Q.—Although your community is backward, you insist upon a certain fixed proportion in the services for the Muslim community ?

A.—Yes.

Q.—Don't you think that employment should have some relation to efficiency and qualification ?

A.—I do admit this. But what I suggest is that in the case, for instance, of the Mussalmans of Bengal you do not take men of average qualifications. You take the best Mussalmans and you admit them to the Government service. So the question of average does not apply at all. And so far as quality is concerned, you can get a sufficient number of men of good quality for the various Government services.

Q.—I quite see that. But would you not apply this principle of communal distribution of appointments irrespective of the principle of efficiency ?

A.—I would certainly not apply that.

Q.—When it comes to the question of the numbers to be employed, don't you think that the question whether a community is backward or advanced, whether it is better educated or less educated, will have something to do with it ?

A.—The main question that we have to consider is whether, if there are, say, 300 posts vacant, there are 300 Mussalmans. You cannot take the general level of education among the Mussalmans and decide upon that. You must take into consideration the quality also. If you do this, you will find that the number of competent Muslims is sufficient.

Q.—Supposing you want 200 posts reserved for the members of the Muslim community and you do not succeed in getting 200 members with the requisite qualifications, would you still insist upon Muhammadans being employed for all these posts or would you say that for whichever post you cannot get Muhammadans with the suitable qualifications, you might go to other communities ?

A.—I have enunciated this principle on the explicit understanding that you can get qualified Muhammadans. So I am not going to make any supposition.

Q.—What I want to know is this. Supposing your postulate is not fulfilled ?

A.—It is no use making such suppositions. My postulate is fulfilled at the present time.

Mr. Jinnah: (To Sir Sivaswamy Iyer).—The witness says that there are sufficient number of educated Mussalmans who are qualified for these posts.

Sir Sivaswamy Iyer.—I am only asking what would he advise in case his postulate is not fulfilled.

Q.—What I want to know is this. Supposing your postulate is not fulfilled ?

[*A.*—Then we will consider the matter when it comes up. I am not going to commit myself now.

A.—Then we will consider the matter when it comes up. I do not like the principle at all, and would like to do away with it altogether. But it is a fact that this question of loaves and fishes is a source of trouble ; and I would like to cut the ground from under the feet of mischief-mongers by making provision to this effect. *Note* :—As subsequently corrected by the witness.]

(*Maharaja of Burdwan*).—*Q.*—There is no dearth of Muhammadans for such appointments in your province so far as you know ?

A.—None.

Q.—But in some other provinces there may be a dearth of qualified Muhammadans. Don't you think your principle will require some qualification in cases where you may not be able to secure Muhammadans with the requisite qualifications ?

(*Mr. Jinnah*).—*Q.*—May I know what is the system now that prevails in your province ? By what method these appointments are made ?

A.—What do you mean by ' method ' ?

(*Mr. Jinnah*).—*Q.*—Is there any percentage fixed for Muhammadans ?

A.—No.

(*Mr. Jinnah*).—*Q.*—Is there a Selection Board ?

A.—There is, in the first place, a competitive examination combined with nomination for Deputy Collectors. Then there is the nomination and selection combined by the Government for Tahsildars. With regard to other posts, they are filled in by the heads of the departments. So there is no principle formulated for this purpose in any province that I know of.

(*Maharaja of Burdwan*).—*Q.*—There are certain rules in certain provinces as to the percentage of appointments that should go to Muhammadans. Is there no such rule about percentage in your province ?

A.—I do not think there is any such rule in my province. In any case there is no definite percentage fixed for the Muhammadans.

(*Maharaja of Burdwan*).—*Q.*—At the present moment, for instance, in the United Provinces what is the percentage of appointments held by Muhammadans, roughly ?

A.—I could not tell you this. In 1913 a Committee was appointed under the Presidency of the Honourable Justice Karamat Hussain and it suggested, I believe, 40 per cent. posts for Muhammadans in certain specific departments. But I do not think that those recommendations were carried out.

Q.—Take, for instance, the Educational Service. Don't you think that is a department where you require the very best men you can get ?

A.—Yes.

Q.—I believe you were appointed in Madras as an University Professor. Supposing you cannot get a man in the United Provinces who is quite up to the standard of the qualifications prescribed for a particular post from the Muhammadan community, would you object to drawing a man from other communities in order to fill up the appointment ?

A.—I have already stated that I do this solely with a view to removing causes of friction, and therefore, it would be best if this method is followed for, say, 15 years.

Q.—To fill up every appointment ?

A.—Yes.

Q.—Every appointment, in every department, in every grade, and so on ?

A.—Yes; I should say that.

Q.—You say that majorities should not be turned into minorities in any province. Will you kindly explain this ? Is there any province in which a majority has been turned into a minority ?

A.—There are two provinces, namely the Punjab and Bengal.

Q.—Take the case of the Punjab. There the Muhammadans have 34 out of 70 elected Indian seats ?

A.—Yes.

Q.—There the Muhammadan representation is the largest compared with the representation of any other community. Do you mean to say that, in spite of the fact that the Muhammadan community has the largest representation among the Indian communities, they still suffer under some disabilities ?

A.—Yes. The disability is that they are not given representation according to population.

Q.—I understand the principle that a community ought to be represented in proportion to its population.

A.—I do not lay it down as a general principle applicable to every country in the world.

Q.—I can understand the proposition of representation in proportion to the population. But here is another new principle that you have suggested that a majority should not be turned into a minority. I do not quite see the rationale of this new principle.

A.—I do not see any difficulty in understanding it because it is clear enough. In Bengal and the Punjab you have got the majority of Muhammadans if you take them according to population.

Q.—Are you in favour of the principle of representation according to population ?

A.—I am in favour of the combination of the two principles, namely, the principle of representation according to population and the principle that the minorities should have adequate and effective representation. I see no inconsistency in these two principles.

[*A.*—I am in favour of the principle that the minorities should have adequate and effective representation. The question of majorities being turned into minorities cannot be deduced from this principle. The Hindus have already got " effective and substantial " representation in the Punjab and Bengal. So why should the majorities there be turned into minorities. Moreover I would give the same rights to Hindus in the North-West Frontier if a Council is created there. *Note* :—As subsequently corrected by the witness." ?]

Q.—Does it not very much sound like " Heads I win and tails you lose " ?

A.—Not at all, because every minority, before you can expect its cooperation, must be given adequate and effective representation in the province.

Q.—What do you mean by effective representation ?

A.—I should not like to define it at this stage.

Q.—Can any minority become effective unless it becomes a majority ?

A.—It all depends upon your interpretation of the phrase " effective representation ".

Q.—What is the standard of effective representation. Do I understand you to mean that a particular minority community would be able to carry its will or enforce its will against other communities ?

A.—I do not mean that at all.

Q.—Then in what sense have you employed it ?

A.—I put it deliberately in a very vague form and I did not like to crystallise it. But as you want me to explain it, I will say that my idea is that so far as the Mussalmans of the Punjab and Bengal are concerned, they should be represented according to their population. In the other provinces they must maintain the amount of representation which they enjoy at the present time.

Q.—That comes to very near the statement that I made a little while ago in a popular form.

(*Mr. Chairman*). I think the witness has made himself perfectly clear.

Q.—One more question. Don't you think that the Hindus in the Punjab or the other minority communities in other provinces may also desire effective representation ?

A.—They will certainly be given effective representation in the North-West Frontier Province, if any Council is established there.

Q.—But what about other provinces ? You say that the principle of effective representation qualifies the principle of representation according to population and this principle of effective representation applies to minorities. Is it a principle applicable to only Muhammadans or to all minorities ?

A.—It should be applicable to all the minorities. It is general in its scope.

Q.—Then other minorities ought to be able to claim effective representation in excess of their population proportion ?

A.—Yes.

Q.—Don't you think it will lead perhaps to results which we do not anticipate ?

A.—I will take the concrete case of the North West Frontier Province. If you are going to establish a Legislative Council there, I will give them, say, 30 or even 35 per cent. of representation in the Local Council there.

Q.—But will it be effective there at all against 65 per cent ?

A.—My use of the word ' effective ' and the illustration that I gave you shows that I do not apply it in the same sense as you do.

Q.—I want to ask you only one question more about groups. You spoke about the formation of groups. You are a Professor of History. Do you think that the group system in France is conducive to stability of Government ?

A.—I do not say that it is conducive to stability of Government.

Q.—Do you care for the stability of Government ?

A.—Personally, I have absolutely no particular liking either for the group system or party system. I should like to combine the best features of the two.

Q.—Just as you would like to combine the principles with regard to representation ? What will be the result ?

A.—So far as the group system is concerned, in the United Provinces Council it is only a stage in the development of the party system.

Q.—The experience of France is not fair ?

A.—I know this as well as you do.

Sir Arthur Froom.—*Q.*—Were you a member of the first Legislative Council ?

A.—I was not.

Q.—You are a member of the present Council ?

A.—Yes.

Q.—Do you belong to any political association in the United Provinces ?

A.—No.

Q.—The Liberal Association ?

A.—No.

Q.—Are many Muhammadans in the United Provinces Members of the Liberal Association ?

A.—Very few Muhammadans.

Q.—Towards the beginning of your memorandum you say, " Full advantage has not been taken of the opportunities which the Act affords, and that alterations in the rules framed under the Act would have gone some way towards meeting the objections which are constantly made at the present time." Does that view represent the view of the Muhammadans in your province generally, could you tell me ?

A.—So far as this particular question is concerned, I cannot speak on behalf of the Muslims of the United Provinces because I have got no express mandate from them on this question, but I think that the majority of Muslim Members hold these views.

Q.—It is the view of yourself and your political friends ?

A.—Of myself and of a large number of Muslim M. L. C.'s and constituents.

Q.— And your personal friends ?

A.—Yes.

Q.—If full advantage had been taken of the opportunities which the Act affords, the present intermediary constitution might have gone on for 10 years ?

A.—I won't fix any date.

Q.—It might have lasted longer ?

A.—It might have lasted longer I admit.

Q.—In your memorandum you say 1929 is the time when the abolition of dyarchy would become essential, do you adhere to that ?

A.—I said I modified it.

Q.—What has led you to modify it ? You are lecturer on Politics at the Allahabad University and you must have written this memorandum with considerable forethought. You say full advantage has not been taken under the Act, and as a sort of corollary you suggested 1929 might be the time when the abolition of dyarchy might take place, and now you modify that ; could you tell me why you modify that ?

A.—My reason is that I did not know the terms of reference of this Committee. I did not know to what extent it was competent to discuss the question of the amendment of the Act.

Q.—You did not know when you wrote this memorandum ?

A.—Not the explanations as given by the Committee. My memorandum was written on the 14th of August, after the Committee had started its work, so that it was written on the assumption that no change could be made in the structure of the Act. That was made without understanding the terms of reference of the Committee as amplified in the course of the proceedings of this Committee, and that is why I put down the date 1929.

Dr. Paranjpye.—*Q.*—You made a reference to the qualifications of members of Council, you are not in favour of residential qualifications ?

A.—There are different qualifications for electors and candidates. As regards the candidates I should certainly abolish, as I explained to the Chairman, all distinction with regard to residence in a particular Province.

A.—But if he has nothing to do with that particular province ? I can understand appointing a man from the Punjab who can represent the constituency of the United Provinces in the Legislative Assembly because the Legislative Assembly has to deal with the whole country, but what has the man from the Punjab got to do with the local affairs of the United Provinces ?

A.—I think, if you look up the proceedings of the local Council, you will find we do not deal purely with parish pump politics ; we deal with other questions too.

Q.—Are not these questions left entirely to the Government of India in the Legislative Assembly and the Council of State ?

A.—There are some points which are I think dealt with in the local Councils.

Q.—Will you give an illustration ?

A.—Take for instance the extension of the terms of settlement.

Q.—That is a question which might differ in various provinces ?

A.—That is perfectly true, but take a question about the release of political prisoners, do you mean to say it applies only to a particular province ?

Q.—The United Provinces Legislative Council cannot pass a resolution about the release of political prisoners in Madras ; it can only pass a resolution affecting its own province.

A.—My point is, if a man comes from Madras, will he be incompetent to propose a resolution ?

Q.—You had a man from Madras, but he made the United Provinces his home ?

A.—My answer is, is he incompetent to decide on a question of the release of political prisoners if he comes from Madras ?

Q.—He will be incompetent on most questions.

A.—No, because there were some prisoners who came from Madras.

Q.—I do not think the United Provinces Government will be competent to release a prisoner from Madras.

A.—If he commits a crime in the United Provinces could you disqualify a man from Madras from sitting in the United Provinces Council and discussing this question ?

Q.—You also speak about appointments according to a mixed principle of population and political importance, you agree that in the United Provinces both the communities are fairly advanced ?

A.—I have not said anything about population so far as appointments are concerned. I only said something about the proportion.

Q.—You say :—" The Muslims should be adequately and effectively represented in the public services of their country. A certain proportion of Muslims should be fixed for all Government servants." What proportion would you fix ?

A.—I am not going to suggest anything here ; I won't commit myself to that. As I explained it is a temporary arrangement.

Q.—Would you require that ratio to be greater than the ratio of population ?

A.—It will depend upon the particular province to which it is applied.

Q.—What proportion has your own province ?

A.—In my province it is bound to be higher.

Q.—In the United Provinces you consider both communities to be fairly well advanced, both the Hindus and Muslims ?

A.—If I am not charged with boastfulness, I might say United Provinces Muslims have been the leaders in all Muslim movements in India.

Q.—Compared with the Hindus ?

A.—It is very difficult to decide on a question like that.

Q.—You cannot call any community very backward compared to the others ?

A.—No, I should say not, but I was talking of the comparison of Muslims in the United Provinces with other Muslims.

Q.—You think the Muslims and Hindus are fairly evenly balanced so far as their abilities are concerned ?

A.—I admit this.

Q.—Consequently what objection is there to leaving these appointments open to competition if the two communities are fairly equally balanced in education in the province ?

A.—Excuse my saying so, Dr. Paranjpye, but I think you ought to know yourself that Muslims form only 14 per cent. of the population. You have 14 per cent. on one side and 70 per cent on the other. In a competitive examination you have 200 from one community and 30 from another, what chance has the Muslim community got ?

Q.—But 14 per cent. will come in ?

A.—How can they have a chance, if their numbers are 5 to 1, and they have no marked superiority, and are, educationally, evenly-balanced.

Q.—Say there are 15 appointments, in the first fifteen the proportion of the successful candidates is likely to be the same for both communities ?

A.—I do not know about that ; I think it is common sense if you have 250 from one community and 50 from another, they will not be the same.

Q.—Well, in making the appointments, you agree that the ideal to be aimed at is by open competition, only efficiency ?

A.—Certainly. In the Deputy Collectors' examination in the United Provinces the principle they have laid down is that they reserve four seats for the Hindus and 2 seats for the Muslims. They have the same examination for all, but so far as Muslims are concerned, they select the best men from the Muslim candidates, and the same applies to Hindu candidates.

Q.—Would you apply the same principle to teaching appointments ?

A.—In teaching appointments you cannot always have competitive examinations, can you ?

Q.—But supposing you are recruiting for Professorships for the Allahabad University, would you appoint a man because he is a Hindu or a Muslim, or because he is the most competent ?

A.—I do not mean to apply it to institutions which are not Government institutions.

Q.—Supposing it was for the Muir Central College ?

A.—There is no Muir Central College now. It has been absorbed in the University.

(*Mr. Chairman*).—*Q.*—You would not apply the rule to appointments to institutions which are not Government institutions ?

A.—Certainly not.

Q.—You would apply this rule to Government High Schools ?

A.—So far as the Government High Schools are concerned they will come under the Education Department, and as regards the Education Department, I would certainly apply it.

Q.—Would you not obtain the best teacher in making an appointment ?

A.—I would have regard to both the principles, but the number of educated Muslims is sufficient.

Q.—But in the teaching profession you would not take the best men ?

A.—Whichever profession it might be, we have a sufficient number of men to recruit for every profession.

Q.—As regards communal representation generally, you agree as a principle that communal representation is a vicious principle ?

A.—I agree.

Q.—And you welcome the arrival of a time when this communal representation can be done away with ?

A.—I welcome it heartily.

Q.—Have you considered the possibility of an intermediary stage between communal representation as it exists at present and no communal representation as it would exist in your ideal state ? There must be a time when there is a transition from one to the other. Would you make that transition by various steps or by means of a single jump ?

A.—So far as the transition is concerned I do not regard a geological epoch as necessary for its fulfilment ; I think it will disappear very shortly.

Q.—Say for instance if you assigned a period of 15 years ; would you at the end of 15 years suddenly do away with communal representation altogether ?

A.—I would do away first with reservation of posts in the Government service.

Q.—I am talking of the Councils.

A.—With regard to the Councils, what I should do would be to have in the first place as a modification, mixed electorates.

Q.—You would then, as an intermediate stage, have mixed electorates, possibly with a reservation of seats ?

A.—Yes for the Muslims.

Q.—You are a student of politics. Have you studied the question of proportional representation ?

A.—I have certainly read something on it.

Q.—You know proportional representation is now-a-days coming into vogue in several countries which have representative institution ?

A.—I admit this.

Q.—Recently in Ireland under the new Government of Ireland Act, in the southern parts when there are religious differences between the Protestants and Catholics, they have put in the Act the condition that the election will be held with reference to proportionate representation, and by that means Protestant candidates have been returned in the South where there is a large Catholic majority ?

A.—There is also the same provision in the constitution of South Africa.

Q.—Well, do you think that some progress on the lines of mixed electorates with proportional representation is possible as an intermediate stage ?

A.—I cannot say that off-hand ; I must consider it. I should think it possible.

(*Mr. Chairman*).—*Q.*—Proportional representation is rather a difficult thing for an illiterate electorate to understand ?

A.—That is the main difficulty—it is difficult to work and difficult for the voters to grasp.

Q.—All that the voters have to see is that the candidates are placed in order of merit. The returning officer might have harder work, but all that the voters have to do is, as I say, to place the candidates in order of merit. Now, with the present system of communal electorates do you think it possible that the different points of view in the same community do not get adequate representation ? Take the Muhammadan community, for instance. There may be two different sets of views in the Muhammadan community itself—say, the Shias and the Sunnis. I am taking a religious case. Well, is it possible for one of these sub-sections of the Muhammadan community to get represented under the present system if it is in a minority ?

A.—It is actually done, because there are a number of Shias returned to the Legislative Council. If you apply this principle logically it makes the whole thing absurd, but in actual practice it works splendidly—there is no difficulty. For instance, I was opposed by one Shia candidate and one Sunni.

(*Mr. Chairman*).—*Q.*—You yourself being.....

A.—A Sunni.

Q.—Suppose for instance there was a reformed Muhammadan candidate and an orthodox Muhammadan candidate.....

(*Mr. Jinnah*).—There is no question of orthodox among Muhammadans. We may be backward in some of our ideas.

(*Mr. Chairman*).—That is the same thing.

Q.—But do you think the present system of election gives adequate facilities to people of minority views to get elected to the Councils—people who hold views which are only those of a minority in that particular community ?

A.—Has not that been the case with every Government ? The minority always goes down before the majority.

Q.—I am talking of people holding views which for the present only appeal to a minority.

A.—Yes.

Q.—Would you do anything from that point of view ?

A.—I certainly wouldn't do anything. [I can not suggest a remedy, off-hand.—*Note*—subsequently corrected by the witness.]

Q.—Do you know that the system of proportional representation is calculated to bring out every possible view that is held by a considerable minority ?

A.—I don't know about that. (The witness here referred to a book by a Professor of the Illinois University tracing the history of proportional representation in that country where it had not been a success.)

Q.—I would suggest your reading Humphrey on "Proportional Representation."

(*Mr. Chairman*).—As there is some difference of opinion about proportional representation, let us get on to something else.

Q.—You mention in sub-paragraph (*e*) the want of a party system. Do you consider the non-existence of parties is due to dyarchy—that Ministers are required at least not to vote against the reserved half and therefore they are supposed to be to a certain extent committed to the general policy of Government and the Ministers cannot form a complete party of their own ?

A.—Yes, I agree.

(At this tage the further examination of witness was adjourned in order that the Committee might hear the views of Sir Frederick Gauntlett.)

Thursday, the 28th August 1924.

The Committee met in the Committee Room B of the Legislative Chamber, Sir Alexander Muddiman in the Chair.

Witness :—Sir Frederic Gauntlett, Auditor-General.

EXAMINED BY THE CHAIRMAN.

Q.—You have no objection to being examined in public ?

A.—No.

Q.—Let me first on behalf of the Committee thank you for your very valuable memorandum. I at any rate have found it very interesting and I think other members also have. I would just like to put you a few general questions. I am not sufficiently expert to do more than that. I daresay some of my colleagues may be better qualified.

In the first place, the Committee has been told that local Governments object to the position adopted by the Government of India. The Central Government charges local Governments interest upon overdrafts but does not pay interest to the local Government on the minimum provincial balance during the year. I understand that except in regard to the balance of the Family Insurance Fund that is correct ?

A.—That is correct.

Q.—Could you give the Committee any information as to what these balances of the various local Governments have been since the introduction of the reforms roughly ?

A.—I can very roughly but it will be necessary to make a few preliminary remarks.

Q.—Will you please do so ?

A.—The difficulty is this, that we make no attempt to complete the Government accounts until the end of the financial year. We of course record month by month the actual transactions of the month, but there are very complicated adjustments between various departments and various Governments which, either from necessity or for the sake of convenience, are made at the end of the year. Consequently, it is impossible to give any idea of the approximate position of any province month by month until some decision is arrived at as to the adjustments which must necessarily be made at the end of the year and the adjustments which can be regarded as continuing adjustments throughout the year.

Q.—One minute. Should I be wrong if I say that you write up the local Governments' pass-books once a year ?

A.—That is so, and to show the position of the local Government at the end of a financial year a considerable number of adjustments have to be made. Before we can make even a rough readjustment of the accounts throughout the year, the points to which I have already referred have to be decided. An attempt has been made by me to disentangle these adjustments, to determine for myself what adjustments must be regarded as made at the end of the year or at a particular moment during the year and then to take the rest of the important adjustments and distribute those roughly over the year month by month. Having made those approximate readjustments within the account—which I have no authority what ever to do of course—I have brought out a statement giving approximately the monthly balance of each province during the year 1922-23.

Q.—Might we have that ?

A.—Yes.

Q.—You now explained what I did not understand before—that you cannot make up the pass-books at the end of the month on the present system. If I send my pass-book to the Bank they make it up up to date; but as a matter of fact you cannot make up the Government pass-book except at the end of the year.

A.—There are certain adjustments which cannot possibly be made at the end of the month.

Q.—Could you give us any idea roughly as to the extent to which local Governments overdraw in any particular month of the year ?

A.—Assuming what I have done is approximately correct—I don't claim accuracy for it, it gives you merely an approximate idea—and taking the year 1922-23, Madras in July showed a balance of 105 lakhs.

(*Dr. Paranjpye*).—*Q.*—What is the minimum balance required to be kept with the Government of India ?

A.—None. In January it showed a debit balance of 133 lakhs. Take another case, Bengal. I find that the maximum balance was a credit of 87 lakhs in March. In December there was a debit balance of 52 lakhs.

(*Sir Henry Moncrieff-Smith*).—*Q.*—March was the end of the year ?

A.—Yes, and the jump from *minus* 52 lakhs to *plus* 87 lakhs occurs in three months.

(*Dr. Paranjpye*).—*Q.*—What are Bombay figures ?

A.—The Bombay figures are affected very materially by the fact of the big Development Corporation Loan which comes within the Government account. That varies from 442 lakhs in February.....

(*Dr. Paranjpye*).—*Q.*—*Plus* ?

A.—Bombay is plus because it has a big loan and the smallest balance is 162 lakhs in October.

(*Dr. Paranjpye*).—*Q.*—Do you charge Bombay interest on the loan it has taken—for this large balance that you have to the credit of Bombay and which Government has advanced, do you charge the Bombay Government interest ?

A.—Yes.

Q.—May I take it that the provincial balances are merged with the balances of the Central Government ?

A.—That is so.

Q.—And I suppose in so far as they are not balances kept in the district treasuries they are kept in India in a bank ?

A.—They are kept in the Imperial Bank of India and in the various currency chests which are maintained in practically every treasury.

Q.—I ought not to have said district treasuries—I ought to have said in the treasuries ?

A.—Yes.

Q.—Does the Government get any interest from the Imperial Bank of India on that ?

A.—None. I am not quite certain on that point because I am not an authority on the contract but I believe that statement is correct.

Q.—On the other hand, I suppose if the balance were overdrawn the Imperial Bank would charge interest ?

A.—Certainly.

Q.—Then you have to adjust your ways and means programme so that your balance is not overdrawn ?

A.—The Government of India have to adjust its ways and means programme.

Q.—If you had financial autonomy in the provinces the provinces would have to settle that ways and means question ?

A.—Undoubtedly ?

Q.—Do you think—after all you have great experience in these matters —do you think in the circumstances the provinces would altogether welcome the idea of financial autonomy ?

A.—So far as these figures show, the provinces would think twice about it before they decided to do it.

Q.—Under the present system the provinces are in a better position than they would be otherwise—speaking generally ?

A.—Speaking generally, that is to be qualified by the statement that the question as to what part of the Debt and Remittance account of Government should be regarded as provincial has not yet been decided. At the present moment, the whole of the Debt and Remittance part of the accounts is regarded as Central and this question of the consideration of balances is in practice outside practical politics unless the Government of India could agree to a recognition that some part of the Debt and Remittance account is really provincial and would be prepared to hand over to the local Governments some of the very big balances which are accruing within that account.

Q.—We have heard a good deal, generally rather vaguely, from witnesses that one of the difficulties is this financial control over expenditure. You have mentioned this difficulty about the balances. Supposing—this is not a political question—supposing the Government of India decided or wished to establish complete financial autonomy as between the Imperial Government and the local Governments. Could you think of any other difficulties besides this balance business ? For example, I have been told that there are difficulties in distributing deposit heads.

A.—That was the question that I mentioned just now. That is what I particularly had in mind when I referred, more generally to "part of the Debt and Remittance account." It is quite clear from these figures which show very large variations from one month to another within any financial year,—and that obtains in practically every province except two or three of the smaller ones—that a local Government is not likely to accept financial autonomy unless the Government of India is prepared to find a big cash balance with which it can start off, and the only way which is feasible at the present moment in the case of many of the provinces is to recognise that they are entitled to those deposits which can be regarded as provincial deposits. At present the idea which is maintained is that no deposits are provincial and that they are all Central. But I believe the Government of India is prepared to reconsider the question. Otherwise, it is perfectly clear that if you have a variation during the course of a year of several crores of rupees, if a province has to make its own arrangement with the bank, it must start with a surplus which will enable it to have a balance with the bank at any time during the course of the year. Otherwise, the bank will be very chary of taking up the account. There

are two alternatives. One is for each province to gradually build up a big credit balance either by reduction of expenditure or by increase of income—for neither of which do I find any great desire on the part of local Governments,—and the other is to obtain from the Government of India a big credit cash balance with which it can start off.

(*Dr. Paranjpye*).—*Q.*—How much will be required for all the provinces taken together in your opinion ?

A.—I would suggest that if you like to have a copy of these net figures that I have worked out, quite recognising that they are probably several lakhs out but at all events not bad enough to alter the general line of argument, you would be able to determine for yourself what figures are generally applicable.

Q.—If you have no objection, we would like to have a copy. Has it not been suggested that Accounts should be separated from Audit ?

A.—That question is now under consideration by a staff working under the Finance Department of the Government of India. They have been working on it since last October or November.

Q.—Were you at home, or were you called home to help the Committee at the India Office when they considered the financial rules ?

A.—The Government of India entrusted me with the duty of taking the general financial rules home so as to help the India Office while they were under consideration there.

Q.—Perhaps, then, you will be able to help us to clear up one or two points that have arisen in the evidence that has been given before us and on which, I think, some authoritative opinion is desirable. Great point has been made about the Joint Financial Secretary. Success has been claimed in some places ; some witnesses have complained that it has been a failure, other witnesses have complained that he ought not to be appointed, and generally, I think, judging by the witnesses that I have heard, that they do not seem quite to understand what the position of the Joint Secretary as regards Finance is. Could you give us some idea as to the intention of the relations between the Financial Secretary and the Joint Financial Secretary under rule 26 (2) ?

A.—If I might be allowed to enlarge the scope of your question, perhaps I might start with a summary of the general discussions, which took place in the India Office with regard to the position of the Finance Department generally.

Q.—Please do so.

A.—The main question which was at once raised by the Committee at the India Office was, who should be entrusted with the duty of administering the Finance Department ? The draft rules sent from India contemplated that the Finance Department would be reserved and would be placed under a Member. When the first suggestion that was made that it ought to be under a Minister was discussed, it was found that there were considerable constitutional difficulties in placing the Finance Department under a Minister. To take one instance. The Finance Department has to administer the various treasuries throughout the provinces. The treasuries have to be bound by the Treasury orders which are issued under Devolution Rule 16. Those Treasury orders necessarily grant considerable powers to the Government of India and the Controller of

Currency, and it was regarded as unconstitutional to place the Minister in relation to some of his duties in direct subordination to an authority in India itself. That was one difficulty. The same point arose in respect of the Famine Insurance Fund. Famine is a reserved subject, and the maintenance of the Famine Insurance Fund is imposed upon the Local Government by the Devolution Rules and Schedule IV attached thereto. The Finance Department of course is responsible for seeing that those payments are made into the Fund, and as Famine is a reserved subject, it is difficult to place the financial administration of the Fund under a Minister. Then the next suggestion made was that it should be entrusted to the Governor. It was at once realised that the Governor could not, with all his numerous other duties, undertake that very great responsibility. I think another point which influenced the Committee at home was the idea that after all the Finance Department, more than any other Department of Government, needs a trained administrator at its head. It is recognised that many of the Governors are not trained administrators. They are not sent here as such, and it was generally agreed that the idea of putting the Governor in charge of the Finance Department was impracticable.

Q.—Then the present solution was adopted ?

A.—Then everybody did agree that if possible the Member in charge of the Finance Department should have no other portfolio at all.

Q.—There was practical difficulty about that ?

A.—Undoubtedly, as regards expense.

Q.—I think you will be the first to recognise that ?

A.—Yes.

Q.—Then let us go on.

A.—With these preliminary remarks I just wanted to clear the ground in explaining why it was deemed desirable to have two Secretaries, a Financial Secretary and a Joint Secretary. The idea of a Joint Secretary naturally develops out of the original discussion. Considerable apprehension was felt at the control which would be exercised by the Finance Department, and there was a fear expressed that if the Finance Department was under a Member, he would be more lenient towards the reserved subjects than towards the transferred subjects, and it was therefore suggested and agreed that if the Ministers so desired, they should have their own special adviser within the Finance Department in the form of a Joint Secretary. It was clearly recognised, I think, that the Joint Secretary and the Secretary naturally would have to work together. If you start from the idea of a joint purse, it is quite impracticable to think that a Joint Secretary and a Secretary could work in water-tight compartments. It is incompatible with the whole theory on which the reforms started. But it was clearly recognised that it might be desirable for the Ministers to have a special adviser of their own to whom they could turn for financial advice, and through whom they could approach the Finance Member.

Q.—There would not be any question that the Joint Secretary would be a sort of subordinate to the Financial Secretary and therefore would simply be a fifth wheel in the coach ?

A.—There was no question of that when the appointment was mooted.

Q.—It was intended that he was to have direct access to represent Minister's proposals to the Members ?

A.—Undoubtedly.

Q.—It was put to us rather the other way. I think it is not understood that the Joint Secretary should have the same powers as the Financial Secretary in regard to his own subjects ?

A.—I do not know if the subject was discussed in detail. I do not remember.

Q.—Would you regard that as the proper position ?

A.—Certainly. When we talked about the Secretary and the Joint Secretary, everybody in the Committee, who knew what the actual position of Secretaries and Joint Secretaries in India were, naturally assumed that the Secretary and the Joint Secretary, if there were to be two such officers in a provincial Finance Department, would occupy the same position towards each other as the Secretary and Joint Secretary in any branch of the Government of India.

Q.—Of course that is well known to you and to me. But that is not so well known to the Committee ?

A.—My point is rather this. Those people who did discuss it had clearly in their minds the relations between.....

Q.—The normal relations ?

A.—.....the normal relations and never contemplated that anything else than that normal relationship was possible.

(*Sir Sivaswamy Aiyer*).—*Q.*—May I know if the discussions of the Committee referred to are published ?

A.—No, I don't think so. These were purely informal discussions in the India Office, and it is probably all confidential.

Q.—There does not seem to be anything dreadful in it !

A.—I do not fear that I am giving away State secrets.

Q.—Many witnesses—*ex*-Ministers and others—have come before us and they have represented that the Finance Department has been a cruel tyrant in the matter of Minister's proposals regarding control. Is it correct to say that the Finance Department can criticise on points of policy and over-rule a Minister ?

A.—The answer to that is most emphatically no. As the rules were drafted there was no idea that the Finance Department should over-rule a Minister. The rule makes that perfectly clear. In so far as the Transferred Departments are concerned, in so far as the reserved subjects are concerned, the Finance Department has the power to advise. The ultimate authority rests with the Member or the Minister in charge of the department. If the subject under discussion is one that affects more than one department of Government, obviously the ordinary Secretariat procedure has to be followed and every department affected has to be consulted. With regard to the Finance Department, the one special provision that is made is this. It is accepted that the Member or the Minister in charge has the ultimate right of decision. If the Finance Department does not agree with that decision and thinks that its arguments against the decision are so weighty that they ought to be further considered, the Finance Department, under the Devolution Rules, is given the right to ask that the proceedings, notes, including the Finance Department note, shall be placed before the Governor and it

is then the duty of the Governor to consider the whole question. If it is a reserved subject, he has to consider it in Council ; if it is a transferred subject, he has to consider it with his Ministers. I think you will find that is the actual wording of Rule 41.

Q.—Sir Frederic, you are familiar with the Treasury control in England ?

A.—I was at Home during the war for 3 years working with the Admiralty.

Q.—Can you tell me how it compares with the control provided by rules here ?

A.—The position of the Treasury in England is very very much stronger and much stricter than that of the Finance Department here.

Q.—I take it that reference has to be made to the Treasury for details of expenditure and for Treasury consent ?

A.—I believe that is practically true. There are practically no powers of sanctioning new expenditure outside the Treasury itself.

Q.—Whereas, according to our rules, that is not so ?

A.—Here Finance Department can merely advise ; they have no power of veto.

Q.—At Home they have the power of veto ?

A.—Absolutely.

Q.—Am I right in saying that the Treasury control in England is much stronger than it is in this country ?

A.—Very much stronger. I might add this. This is not evidence. At Home one of the positions that I held was in a department of which the head was a Barrister who was appointed from outside. Of course with the enormous development of work at Home during the war hundreds, thousands of non-officials came in to help Government and many of them were posted as heads of departments. Every single one of them had the same complaint about the Treasury. They disliked intensely this idea of having to get sanction for everything but they found that it was regarded as absolutely essential and they all gave way, had to give way. But they expressed the same irritation that is now being expressed in India.

Q.—Are there any Treasury rules that are published ?

A.—I doubt whether there are actual rules published, but there are numerous books of reference which describe the position in England. Commander Hilton Young has written a very good book. I have got several quotations from it.

Q.—You of course have considerable experience of administration in the pre-reform days. Did you observe then any irritation on the part of other departments as regards financial control ?

A.—I have never heard any other expression of opinion from any other department.

Q.—Sir Frederic, I am not going to take you through the detailed suggestions as regards the amendments of rules, etc. They are valuable no doubt. But can you give us any information as to the total expenditure in the various provinces on transferred as compared with reserved Departments during the last three years for general information ? You might give a statement.

A.—I can submit a statement to you from the accounts. I can get that prepared.

Q.—If that would not involve much trouble ?

A.—The figures are all to be found in my published appropriation reports. It is only a question of bringing the figures.

Q.—If that will not cause much inconvenience, it will be very useful ?

A.—I can send you figures for the last two years, 1921-22 and 1922-23. Those are the figures that I have published up to the present under Reforms conditions.

(*Dr. Paranjpye*).—*Q.*—Could you give similar figures for the pre-reform days ?

A.—That would take a long time. I can get the figures for you. The accounts were on a different basis altogether.

Q.—Therefore no comparison would be possible ?

A.—Yes. The heads were divided then between Central and Provincial, Imperial and Provincial, but I will do what I can.

Sir Henry Moncrieff Smith.—*Q.*—You said just now that the Finance Department was intended to be purely advisory. If a proposal went to the Finance Department for sanction because it involved expenditure, presumably the Finance Department would be able to suggest another way of achieving the Minister's object, because, say, in their opinion it would be cheaper ?

A.—Exactly.

Q.—The Finance Department would be able to say with regard to the whole proposal that it would be a waste of money ?

A.—I should say essentially it would be the duty of the Finance Department to do so. It would not be fulfilling its duty unless it did.

Q.—Would they consider it a waste of money because they did not agree with the policy underlying the proposal ?

A.—If they did not agree with the policy they might regard it as a waste of money to spend money on that policy and if they held that view they might say so.

(*Mr. Chairman*).—*Q.*—That is to say if the Finance Secretary thought that a department sought permission on what he considered an undesirable purpose, say, a Home for Lost Dogs, would he be entitled to say it was a waste of money ?

A.—Certainly, and if the Minister pressed it, it would have to go to the Governor under the rules for consideration by the local Government.

Q.—It is not that the Finance Department has a right to express an opinion on the policy ?

A.—The Finance Department is ultimately responsible for the administration of the revenues.

Q.—The Finance Member being a member of the Government, is partly responsible, jointly responsible for the policy of the Government ?

A.—As a member of Government undoubtedly he is ultimately responsible. That raises, however, the important question of the spheres of duty of the Members on the one side and the Ministers on the other, and I understand—I do not speak with authority on these constitutional questions—but I understand that the main idea of dyarchy is to entrust the formulation of policy with respect to particular subjects to a particular side of the Government.

Q.—With regard to the question of the Finance Member being relieved

of all other portfolios, apart from the financial difficulties, that is to say the question of money, do you think it is possible or feasible or desirable that that should be provided ?

A.—I think it is most desirable that it should be provided.

Q.—Would you have the controlling financial authority outside, independent of the local Government or the Government of India ?

A.—It seems to me that is quite impracticable. I mean the Finance Department is essentially an inherent part of Government.

Q.—It has been suggested to us by several witnesses that they would like the financial control to be exercised from outside the Government, entirely outside the Government ?

A.—It seems to me quite impracticable. Government must be responsible, as I said before, for the administration of its own revenues.

Q.—Your department, Sir Frederic, has something to do with local funds ?

A.—Yes, we do audit, on behalf of many local Governments, various local funds throughout India. Local Fund Audit is now a provincial responsibility, but many of them do not desire to take up the responsibility, and therefore ask me to do it for them as their agent.

Q.—The financial control over expenditure in these local funds is very much less rigid ?

A.—I should say by the results most emphatically so.

Q.—Do you mean that the result of your experience of the audit of local fund accounts suggests the desirability of relaxation of financial control ?

A.—Certainly not ; quite the reverse. The fact that there is so little financial control in numerous Municipalities throughout India (I am speaking more particularly of the smaller ones) has led, undoubtedly, to very great laxity.

Q.—Do you think that the present system of budgeting and accounting in the provinces facilitates financial control ?

A.—I think that the changes which have been introduced under the pressure of Devolution Rules, the methods of procedure adopted for the preparation of the Budget and the estimates and the criticisms which we have had to offer upon these have led to a very marked improvement in the methods. The essential point in the preparation of any budget, it seems to me, is this, that it must be prepared by the authority which eventually is going to spend the money which is asked for, especially in respect of all variable items. There is a vast mass of expenditure which is permanent expenditure and varies little and that can be dealt with automatically. But wherever variable expenditure comes in, the initial request should come from the person who eventually wants to spend the money, and matters have been improved considerably throughout the provinces in that respect. As regards accounting, all controlling officers ought to know how their expenditure is progressing and steps are now being taken to that end.

Q.—Are you in a position to tell us—I do not suggest that it is within your knowledge—can you tell us what considerations finally led to the decision to have a joint purse rather than complete separation of revenues on the reserved and transferred side ?

A.—The original idea undoubtedly was for separate purses ; and when it was considered in detail, the difficulties that were found were

so great that it was thought preferable to have a joint purse. One or two points I can still remember as arising in the course of those discussions. First of all, how are you going to divide your purse ? What method would you adopt ? You might quite easily take a fixed proportion, say, 50 and 50, that is to say, 50 per cent. shall be for the reserved side and 50 per cent. shall be for the transferred side. It was recognised that there would be much greater need for development on the transferred side than on the reserved side. So that if you start with 50 and 50, and keep that distribution with growing revenues, you will very soon find the reserved side building up huge balances which it does not want, while the transferred side very quickly spends all that it has got and wants to spend more. If you have two branches of work, one developing much more rapidly than another, a fixed division of the joint purse is not the proper method of providing funds for those two separate classes. Then, take another point. Assume that you start with a division, and, as I have indicated, the transferred side, the Ministers, find that they want more money than has been given to them under the distribution. The need for further taxation then arises, so that you have to divide your field of taxation. You want to find out which sources of taxation are recognised as the legitimate field for the reserved side, for the Members, and which are recognised as the legitimate field for the Ministers. How are you going to divide your sources of taxation ? That was found to be a very great difficulty and the difficulties were so great that it was eventually decided that the simplest thing was to start with a joint purse and only to adopt the separate purse if you were driven to it.

Q.—The rules provided for a variable apportionment, the apportionment to be by agreement ?

A.—Yes. You will find one of the Devolution Rules provides for a definite distribution of funds if the two sides of the Government failed to arrive at an amicable agreement as to the apportionment of funds between them in the Budget in any one year ; in fact, that provision in the Devolution Rules has not yet been found necessary.

Q.—From the audit and accounts point of view, Sir Frederic, do you think, if local Governments do obtain a much greater measure of financial autonomy, that that would be a ground for relaxation of financial control ?

A.—No. I would put it in this way, that the whole field of control ought to remain the same ; and in so far as you relax outside control, it is all the more necessary to impose greater internal control.

Mr. Jinnah.—*Q.*—Will you kindly refer to your memorandum ? You say in the first paragraph : " It seems impossible, therefore, for the present Committee to do more than recommend a detailed examination of the whole problem by a special officer or officers and the formulation of definite proposals for the consideration of the Central and Provincial Governments." I want to understand what you exactly mean by that ?

A.—What difficulties do you find in the statement, Mr. Jinnah ?

Q.—I do not understand why you say it is impossible for this Committee to go into this question ?

A.—I gather that it will take about a year's hard work to deal with the administrative questions that will arise in connection with it.

Q.—You start with this : " Much the most important advance that can be made within the Government of India Act towards autonomy in financial matters is the separation of provincial from Central balances."

When you say : " It seems impossible, therefore, for the present committee to do more than recommend a detailed examination of the whole problem " what is the problem that you have in your mind ?

A.—The problem that I have in my mind comprises the working out of the whole of the details which necessarily arise before you can give effect to this general recommendation.

Q.—Namely, with regard to the balances ?

A.—Perhaps, I may put it in this way, Mr. Jinnah.

Q.—The question of the separation of Provincial from Central balances. Is that what you mean ?

A.—What I am suggesting here is.....

Q.—The problem is the question of the separation of Provincial from Central balances ?

A.—I am trying to put my answer in the form most easy to understand, Mr. Jinnah.

Q.—I understand English perfectly well and I understand that the problem that you are referring to is the question of the separation of Provincial from Central balances. That is the problem. Is there anything else ?

A.—None, whatever.

Q.—That is the answer ?

A.—Excuse me, I wish to complete my answer. Mr. Chairman, may I complete my statement ? (*Mr. Chairman.*—Yes.) My statement is this. Of course I recognise that the Committee may desire to recommend strongly that this theoretically is desirable. But at the same time all that I wish to say is that it would be impossible for this Committee, unless it is prepared to sit for several months, to consider all the administrative details that will have to be solved before it can carry out the policy. That is all I wish to say.

Q.—This question of separation of Provincial from Central balances is more a matter of book-keeping. Is it not ?

A.—No, it involves very considerable questions outside book-keeping.

Q.—Will it give greater financial autonomy to the provinces ?

A.—I do not see how you can have complete financial autonomy.....

Q.—Please answer my question. Will it give greater financial autonomy to the provinces ?

A.—You cannot have complete financial autonomy unless you have control of your own balances. That is the proposition I wish to put.

Q.—Then I understand that it would give the provinces autonomy only for the purpose of controlling its balances ?

A.—Not at all.

Q.—What else ?

A.—I have been asked to prepare a memorandum for the benefit of the Reforms Committee based on my special experience.

Q.—I know that. We know that. I only want to get at this. What provincial autonomy will be conceded to the provinces by separation of these balances ? That is what I want to know ? I think you have said that it will have control over its own balances, only to the extent of controlling its balances. Anything else ?

A.—Which it has not at present. I do not want you to gather that there will be no other result than the mere control of the balances.

Q.—What will be the other results ?

A.—I am not prepared to answer that straightaway. I will think it over and give you a reply if you prefer to have it.*

Q.—I should like to see that. Then we will get on to the next point. In paragraph 2 you say "Another important step in the direction of provincial autonomy in financial matters will be taken if accounts can be separated from audit." I should like to understand that ?

A.—The answer to this is practically on the same lines as the answer to your first question based on the first paragraph. There cannot be complete financial autonomy unless each province maintains its own accounts and is responsible for the maintenance of its own accounts.

(*Dr. Paranjpye*).—*Q.*—But the audit must be Central ?

A.—Audit must be Central. Incidentally, it will cost considerably more, but that is a question which perhaps does not arise before this Committee.

Q.—In paragraph 3 you say : "Certain modifications of individual rules which aim at giving a greater measure of provincial autonomy are suggested below. The opportunity has also been taken of suggesting modifications so as to remove defects found in actual working even though the suggestions are not intended to give greater provincial autonomy." I take it that you really suggest the modifications of the rules to carry out the two suggestions which you have made ?

A.—No. Some of them.....

Q.—I have not finished yet. Two suggestions which you have made, firstly the separation of Provincial from Central balances ?

A.—Yes.

Q.—And secondly, accounts to be separated from audit ?

A.—I have not said there should be. I say that there will not be complete provincial autonomy until you get that.

Q.—But you do not suggest ?

A.—I do suggest it for the purpose. I say that it is essential for ultimate provincial autonomy to have accounts separated from audit. There are numerous other considerations. It is quite arguable whether it will lead to greater efficiency. It is quite certain that it will lead to greater expense.

(*Mr. Chairman*).—*Q.*—You made this suggestion for the benefit of this Committee without necessarily commending it. You indicate that to us as a line on which we may develop, without committing ourselves to approving of the line.

A.—Exactly, because there are so many other considerations involved.

(*Mr. Chairman*).—*Q.*—You were asked to help us and you have done so ?

A.—I have.

Q.—I am very much obliged to you and the Committee is very much obliged to you. I am not an expert in finance. I want to understand.

**Subsequent note by Witness.*—The recognition of a right to separate balances almost necessarily seems to imply the recognition of a right to a larger degree of freedom from external financial control. Moreover, until a Government has its own separate balances, it cannot adequately realise the importance of financial considerations.

I understand that you are making suggestions with regard to various Devolution Rules. The object of those suggestions that you have made is to get at this result, namely, on the footing that there should be separation of Provincial from Central balances ?

A.—The rest of the suggestions which are contained in paragraph 3 and to the end of the note have not necessarily any relation to those contained in paragraph 1 or 2. If it is desired to give effect to the two main suggestions which I have put before you for consideration, it will be necessary to modify certain rules. But the rest of the suggestions with the modifications of the rules are based on many other considerations besides the desire of giving effect to those two main suggestions.

(*Mr. Chairman*).—*Q.*—They are not in fact necessarily connected with paragraphs 1 and 2 ?

A.—No. They represent simply the result of detailed consideration of the whole mass of rules.

Q.—I want to get at the heads. Let me see. Let us get to paragraph 3. Which are the rules which you say will refer to this particular suggestion that you have made ?

A.—Rules 14 and 16. These rules will require modification if Provincial balances are separated from Central balances. Rule 16 may require modification if accounts are separated from audit. There may be one or two other points. I am not quite sure.

Q.—Now I come to Joint Secretaries. Do you agree with this statement that if a Joint Secretary was appointed he must be more or less looking after the interests of the transferred subjects which are in the charge of the Ministers ?

A.—He would be responsible for the same measure of advice in respect of the transferred subjects that the Secretary would be in respect of the reserved subjects. He would still be a functionary and an officer of the Finance Department.

Q.—Quite so. Do you think that there is a chance of friction and conflict arising between the Joint Secretary and the Secretary ?

A.—I think chances of friction are very largely a question of personality, and tact as well as the inherent difficulties of the situation.

Q.—Presume that we have the sweetest Joint Secretary and the sweetest Secretary ?

A.—I think you would also have to assume the sweetest possible Minister and the sweetest possible Member.

(*Mr. Chairman*).—*Q.*—Then everything will be very satisfactory ?

A.—It will be admirable.

Q.—Then you will require no constitution at all ?

A.—Some of us still hope that Heaven may come eventually.

Q.—Would it not come to this that probably the struggle will start either between the two Secretaries or it may start from the top, the Member and the Minister ?

A.—If there is a struggle, there must be two opposing people.

Q.—Either it will start from the bottom or from the top ?

A.—There will still be a struggle if two people wish to fight.

Q.—There is one thing more which I want to bring to your attention.

I find, at any rate so far as the Central Provinces Government is concerned, and I believe the same prevails in other provinces. This is what they say : " So far as the Budget is concerned, the system of Government laid down by the Devolution Rules is a unitary one. This has been extended to all financial business by the convention which His Excellency the Governor has established, namely, the objection by the Finance Department must prevail unless it is overruled by the whole Government " ?

A.—The rules provide for the Finance Member having the power, if he so wishes, of bringing his views to the notice of the local Government. The Devolution Rule most emphatically recognises that the decision should be with the Governor acting with the Ministers if it is a question of a transferred subject. The convention which you quote goes beyond what is contemplated in the system of Dyarchy.

(*Mr. Chairman*).—*Q.*—You mean to say, beyond what is contemplated by the Rules ?

A.—Yes.

Q.—I only want to know whether it is a consistent or an inconsistent convention, namely, an objection by the Finance Department must prevail unless it is overruled by the whole Government ?

A.—That decidedly goes beyond the Rules. The Rule reads : " And shall, if the Finance Department so require, be submitted by the department concerned to the Governor for the orders of the local Government ". The phrase " local Government " is, I believe, defined in the Act itself.

(*Sir Henry Moncrieff-Smith*).—*Q.*—If it was a subject from the transferred side, you suggest that the holder of the portfolio of Finance would not be a party to the final decision of the local Government, or should not be ?

A.—The Rules do not provide for it.

Q.—According to the rules, if there was a dispute between the Minister and the Member in charge of the Finance Department, who will settle it ?

A.—The Rules provide for the ultimate decision resting with the Minister or Member in charge of the department. If the Finance Department does not agree with that decision and thinks that the difference of opinion is so important that it ought to be pressed, the Rules provide that the Finance Department can ask the department concerned, whether it be reserved or transferred, to refer the matter through the Governor for the orders of the local Government.

Q.—Supposing the transferred half were to meet. I suppose the two Ministers and the Governor would meet. Do you know that it has ever been done ?

(*Mr. Chairman*).—(To Mr. Jinnah) You need not ask any questions about what is done in the provinces as Sir Frederic cannot possibly know what is the practice in the local Governments.

Q.—Then the two Ministers and the Governor should meet. Supposing they do not agree with the Finance Member, what will happen then under the Rules ?

A.—Then the local Government will pass the order.

Q.—What is the " local Government " ?

A.—The " local Government " is, I believe, defined in the Act.

(*Mr. Chairman*).—The "local Government" is the Governor and the Ministers if the matter relates to a transferred subject ; and the Governor and the Executive Councillors if the matter relates to a reserved subject.

Q.—Is that your meaning of the "local Government" ?

A.—I am afraid I must ask you to refer to the Act in which this phrase is defined.

(*Mr. Chairman*).—*Q.*—Is my statement correct ?

A.—Yes.

Q.—So far as the transferred departments are concerned, the Governor can always overrule the Ministers. Supposing he says "I do not agree with you" ?

A.—I am no authority on that point, Mr. Jinnah.

Dr. Paranjpye.—*Q.*—As regards the Joint Financial Secretary you said, Sir Frederic, that he will look to the files relating to the transferred departments and the other Financial Secretary would look to the files relating to the reserved departments ?

A.—That I believe is what was contemplated.

Q.—But the main idea with a large number of people is that the transferred departments should be able to see whether expenditure in the reserved departments is justified or not, whether they are spending so lavishly as to take away the money that may possibly be available for transferred departments. Was it not contemplated that the Joint Financial Secretary will scrutinise the proposals for new expenditure in the reserved departments in order to tell the Ministers that such a thing is being done, which will ultimately have the effect of reducing his resources ?

A.—I think it was contemplated that the Finance Member would act as an honourable man and would keep the balances even and apply the same traditions of control to both sides of the Government.

Q.—You have yourself said that he is a member of the Executive half and therefore his mind is likely to be balanced on the other side ?

A.—I have never said the latter.

Q.—You have already said that you do not agree with a possible independent Finance Department ?

A.—What do you mean by an independent Finance Department ?

Q.—That it should be in charge of an independent officer, say like the Accountant-General, who is independent of the local Government at present ?

A.—I cannot conceive of any Government in the world accepting financial control from an authority outside it. It seems to me that you would emasculate the whole Government if you do that.

Q.—As regards the Famine Insurance Fund. Each Government is asked, according to Schedule IV, to lay aside a certain amount in the Famine Insurance Fund and the Government of India allows a certain amount of interest on the balance in the Famine Insurance Fund of each province. On the other hand, the Central Government does not allow any interest on their large balances if they have any, with the Central such a large balance and you are not going to give us any interest on

that balance. We shall therefore ask you to put in so much part of that balance, over and above our annual contribution, into the Famine Insurance Fund." Will you allow that procedure ?

A.—Whether it should be allowed or not is really not a question for me to decide at all. What you have put is really only an alternative to the proposal that the Government of India shall agree to pay interest on a sum of money definitely placed, say in fixed deposit, by a local Government. Speaking purely unofficially and as a mere witness, I should regard that as equitable.

Q.—You spoke also about the difficulty in raising taxation if there were a separate purse, I mean the difficulty about the spheres of taxation. Suppose the transferred half wants to have some new developments and it proposes a new taxation. Is there any real essential objection to the earmarking of the proceeds of such taxation ?

A.—Of course, it leads to the obvious result that you are breaking away from the theory of the joint purse altogether.

Q.—*Pro forma* accounts can be kept and the amount of money realised by taxation can be left at the disposal of the transferred half to be spent as it pleases ?

A.—I dislike *pro forma* accounts very much. I prefer every account to come into the Government account wherever it is possible.

Q.—With this joint purse it is rather difficult for the Ministers to propose taxation, because they would not be certain that the amount of proceeds of that taxation will be made available to them. Is that the effect of the Devolution Rules ?

A.—I was just trying to turn up the rule which deals with taxation. Rule 30 of the Devolution Rules says : " All proposals for raising taxation or for the borrowing of money on the revenues of a province shall, in the case of a Governor's province, be considered by the Governor with his Executive Council and Ministers sitting together, but the decision shall thereafter be arrived at by the Governor in Council, or by the Governor and Minister or Ministers, according as the proposal originates with the Governor in Council or the Governor and Ministers." That is the provision in the Devolution Rules with regard to the taxation.

Q.—But the Devolution Rules make it rather difficult for a Minister to propose additional taxation which he intends for certain purposes but which is likely afterwards to be taken away by both halves of the Government ?

A.—As I have said, if you accept the idea that the yield from a particular taxation must go to one half of the Government, then you break the joint purse of Government.

Q.—I am not talking about a particular field of taxation ; I am talking of a particular measure of taxation, a particular taxation Bill.

A.—I quite agree if you accept that idea, you obviously break the general purse straight away.

Q.—I want to ask a question about the position of the Public Works Department which you mention in your comments on rule 7 of the Devolution Rules. What is the exact position of the Public Works Department ? Is it a mere agency department or an independent department from the point of view of the Finance Department ?

A.—You are asking a question on possibly the most complicated point in the whole field of administration. I can understand your question much better if you ask what is the relation between the Public Works Department and an executive department, and not what is the relation between the Public Works Department and the Finance Department.

Q.—What does the Financial Department regard the Public Works Department as ? Does it consider it as a mere agency department for the other departments, or as an independent department ?

A.—When the head of a department wants a particular building to be constructed, the Public Works Department has to prepare the plans and estimates. The Department then states whether those plans and estimates meet the needs for which the building is required. Then the cost is worked out, and that measure then has to receive financial approval. In most cases the provision for that building will be in the Public Works Department Budget and the expenditure of the money will be entrusted to the Public Works Department, working under the Minister ; but because of the difficulties which may arise in respect of reserved buildings, there is a provision in the Devolution Rules that the Governor may hand over the administration of the buildings of a particular department, to that department and take it away from the Public Works Department. The Public Works Department is the agent of the other department in so far as it prepares the plans and estimates to meet the needs of that department, but having got the approval of that department to the plans, the actual construction of the building then becomes a duty of the Public Works Department itself.

Q.—Supposing there were a rule in any province like this : If a Minister has got some idea about some new programme and he wants the Public Works Department to make a rough estimate of the cost of a particular building required, do you require the Finance Department to look at that plan at that stage ?

A.—I believe not, that is merely a question of Secretariat Procedure, the preparation of the initial plan for the purpose of obtaining what we call the administrative approval, and I doubt whether it does go to the Finance Department at this stage, but I cannot give you an authoritative answer.

Q.—If the Finance Department has made such a rule, do you consider it in accordance with the underlying financial control ?

A.—I should say it is a minor detail which would not affect the general principle one way or another. Personally if I were Finance Secretary, I should regard it as unnecessary at this stage.

(*Mr Chairman*).—It is a mere matter of Secretariat procedure.

Q.—I have a point to make ; the rule does exist in one province ?

A.—The point is pertinent perhaps because it is a question at what point a scheme should come before the Finance Department for consideration. It is possible, of course, that a scheme may turn out to be very much more expensive than the Finance Department would approve of, and if the Finance Department were to wait until the detailed plans and estimates had been prepared, it might necessitate considerable time and expenditure in preparing those plans and estimates which might even-

tually be scrapped owing to the opposition of the Finance Department on the grounds of undue expense. For that reason it may be desirable that important schemes, at least, should come before the Finance Department for consideration before the Public Works Department has been asked to undertake the very considerable task of preparing the detailed plans and estimates.

Q.—At any rate you do not think the Finance Department need require consultation when the Public Works Department is asked to make only a rough estimate ?

A.—I should say it would depend very largely upon the importance of the scheme itself. For a rough estimate I do not think the Finance Department need intervene before it is drawn up ; but before the Public Works Department prepares the detailed plans and estimates, which do involve considerable trouble, I do think it is desirable the Finance Department should intervene.

Maharaja of Burdwan.—*Q.*—Is it not necessary to have a rule like the one referred to by Dr. Paranjpye for this reason, that sometimes, even a preliminary survey means a certain amount of outlay, whether the scheme may be sanctioned by the Government afterwards or not ? Supposing you ask the Public Works Department to make a comprehensive scheme for building 100 colleges or something like that, it is necessary for the Finance Department to have some control or voice in the matter for the simple reason that, when the Public Works Department make big plans or estimates, they may have to engage temporary hands ? That is one of the reasons why the Finance Department may like to have a voice in the matter before the Public Works Department take up a scheme ?

A.—If the preliminary action necessitates the expenditure of a considerable sum of money I think the Finance Department could justly claim to be consulted before that is agreed to. It depends upon the amount involved.

Q.—Therefore, even for a preliminary survey the Finance Department may make a rule that, before the Public Works Department take up a scheme, they should consult the Finance Department ?

A.—If it involves considerable outlay.

Sir Sivaswamy Aiyer.—*Q.*—You think that the best arrangement for financial control would be one under which the Member in charge of the Finance portfolio has no other administrative portfolio ?

A.—Certainly.

Q.—Would you extend that system to the provinces as well ?

A.—In theory certainly.

Q.—I suppose the question of cost would be a consideration ?

A.—Undoubtedly.

Q.—You are also aware that, if the same Member holds charge of the Finance portfolio and other administrative portfolios his attitude is liable to be viewed with suspicion ?

A.—That is exactly why I expressed the view that he ought to hold no other portfolio.

Q.—And you are also aware that there has been very considerable complaint on all sides about his supposed tenderness towards his own departments ?

A.—Yes.

Q.—What I want to know is whether there is any alternative to this scheme, whether it is not possible to appoint, say a Financial Secretary, who should be common to both Departments, instead of a Finance Member, the Financial Secretary to be consulted and to be entitled to place his views before the Government as a whole, but not entitled to the status of a Member, would that be in any way open to objection ?

A.—I think it is open to very serious objection for this reason that many of the most important problems of Government must necessarily centre round Finance, and I think financial considerations could never be given sufficient weight if those considerations were put forward merely by a Secretary and not by a Member. Finance is so important that it must be a primary function—one of the most important duties—of Government.

Q.—You think the championship of financial interests would suffer if it was entrusted to any person not having the status of a Member of Government ?

A.—Certainly.

Q.—You do not think it would be safe in the hands of the collective Government, including the Governor and the Council and Ministers ? You do not think they would sufficiently appreciate the weight of the financial considerations unless they were assisted by a colleague of equal status ?

A.—Yes, I should certainly support that view.

Q.—Is there any other alternative to this system which you could propose if on the ground of cost you would object to a Member having charge of the finance portfolio only ? You think the arrangement of having a Member in charge of finance only is expensive, and you are also aware of the complaints, could you suggest any alternative or would it be an unavoidable expenditure, though costly ?

A.—My own view is that the present arrangement is theoretically so undesirable that the expense should be disregarded.

Q.—With regard to the criticism that the Financial Department does trench upon considerations of policy also, is it not difficult for it not to trench on considerations of policy when making criticism on financial grounds ?

A.—Yes. I should put it this way, that I think a Finance Member would not be fulfilling his duty if he did not point out that there are possible alternative policies, while recognising that the ultimate position as to policy must be a function either of the Minister or Member of the Government.

Q.—For instance I will refer to a passage which relates to an instance in a minor province :—" The importance of the Ministers has been much more aggravated by placing them under the control of the Finance Department, as appears from rule 7 of the Devolution Rules ; that is to say the Finance Department, in dealing with the plan of a building advises the knocking down of a portion of the building which may be absolutely necessary. It also similarly advises the appointment of sub-assistant surgeons where the services of assistant surgeons are needed. We need not dispute the right to offer reasonable advice on the part of the Finance Department with regard to schemes involving new expenditure, but the

Finance Department should not have such wide powers as it has at present." Do you sympathise with those complaints ?

A.—My only comment is that the powers of the Finance Department here in India are very much smaller than the powers exercised by Finance Departments elsewhere.

Q.—Could you let me have a copy of the Treasury rules later on ?

A.—I have no copy of the rules.

(*Mr. Chairman*).—*Q.*—But there are no rules we have been told ?

(*Sir Sivaswamy Aiyer*).—He referred to some rules.

(*Mr. Chairman*).—That is Commander Hilton Young's book, to be bought at any book-sellers.

Q.—For instance in another place there is a complaint that while a Division Forest Officer and the Chief Conservator of Forests can make appointments *up to a limit of 4 years*, the Minister can exercise no power at all without the previous assent of the Finance Department. Is that correct ?

A.—I have no information on that point. I think I might offer a comment—that it seems to me rather an undesirable situation that an officer should have less power than a subordinate three places down. But I simply have no information on that point.

Q.—Devolution Rule 45 says :—

> " Wherever previous consultation with the Finance Department is required by these rules it shall be open to that department to prescribe by general or special order cases in which its assent may be presumed to have been given. "

A.—That rule was introduced in order to provide for delegation of powers to other officers.

Q.—You are aware that under the Statute the Audit Report of the Auditor at the India Office has to be submitted to Parliament under section 26—the report of the Auditor of the Home Accounts on the account of the Secretary of State, has to be submitted to both Houses of Parliament ? Don't you think it would be desirable that that report should be placed before the Indian Legislature before it is submitted to both Houses of Parliament so that we may have an opportunity of knowing what it contains and so on ?

A.—I certainly think it ought to be presented to the Legislature out here, and in fact it does come out here, and is considered by the Public Accounts Committee.

Q.—In paragraph 2 of your memorandum you have stated :—

> " It also entails the consideration of numerous administrative problems of grave complexity. "

Would you kindly enlighten me as to that. I do not want to go over the same ground as Dr. Paranjpye.

A.—I think the complexity can be gauged by my estimate that it will take three officers who are doing nothing else three years to work out the details.

Q.—I do not mean the expense or the delay. Those are not the problem you refer to. You refer to " administrative problems of grave

complexity " which have to be considered. What are they—that is what I want to know ?

A.—Can I put it in this way ? One alternative to the Indian system is the English system. In the English system there is for each " vote " (which corresponds to our " grant ") an Accounting Officer. He is completely responsible for the compilation of all the accounts of the expenditure under that vote, and that account as compiled by him is ultimately accepted as part of the account of the whole of Great Britain. If you attempt to introduce that system in India you will require in each province a separate Accounting Officer for each separate vote, which will mean about 50 or 60 different accounts offices in each province ; and then you have got to compile all those together.

Q.—You mean " administrative problems " concerned with the Finance Department itself ?

A.—The actual difficulties which will arise in changing from one system to another.

(At this stage the chair was taken by the Maharaja of Burdwan).

Q.—You mean the " administrative problems of grave complexity " to which you refer are concerned with the administration of the Finance Department—with the system of accounts ?

A.—If there is a change from one system to the other that change itself must involve grave difficulties. Another point which I think I have mentioned there is that it really affects the whole future of the Indian Audit and Accounts Service.

Q.—True, but would it affect constitutional questions or problems—that is what I want to know ?

A.—I have a note which runs to about 20 pages in which I point out that it seems to me almost impossible under the present rules constitutionally to impose the responsibility for transferred accounts upon the transferred departments and thus ultimately upon the Ministers responsible, because if you start with the theory that the account so maintained is to be part of the ultimate account of India, then it is subject to orders issued by the Secretary of State under section 26 of the Act. Now that only provides for executive orders, and the Secretary of State in drafting section 19A of the Act deliberately refused to exercise control over Ministers except for the purpose of fulfilling his responsibility imposed on him by the rules under the Act ; and, therefore, I doubt very much whether he will make the Ministers ultimately responsible for the preparation of accounts.

Q.—Now what I wish to know is whether the difficulty that you feel and describe with regard to the separation of the accounts from the Audit branch of the financial service is any insuperable obstacle to provincial autonomy in other respects ?

A.—No. What I contemplate for instance is that it is possible to improve the existing system by imposing upon me the duty of maintaining limited accounts which do not go into minute details— that I should maintain accounts only to that degree of detail which is necessary to enable me to write my appropriation account for each local Government, and that

the minuter details of the accounts ought to be maintained informally by the departments themselves ; that is provided for in Devolution Rule 37 (*e*) which makes the Finance Department responsible for seeing that suitable accounts are maintained by other departments.

Q.—I am not opposed to the maintenance of the accounts by the Central authority. I only wish to know whether that would be an insuperable obstacle in the way of provincial autonomy in other respects, and you said no.

A.—No.

Q.—With regard to this question of the earmarking of specific sums for specific purposes, it is not unknown in England though the general practice is to pay everything into the consolidated vote and draw it out by order of the Treasury. The practice of earmarking the proceeds or portions of the proceeds of a particular tax or grant is not unknown ?

A.—No.

Q.—The reason why I think the question is of some importance here is this. So long as this division between transferred and reserved prevails, the Legislature is much more sensitive to an appeal by the transferred departments for more money than otherwise, and they are more ready to grant a tax if it is levied say for the purpose of improving primary or elementary education or something of the kind and if the proceeds of the tax could be devoted to that purpose. But if once a tax is imposed you allow it to be swallowed by other departments, they would not agree to such a process. I mean that is a practical difficulty which I have explained to you. Though on the ground of complexity in financial administration you would object to earmarking, you don't think it indefensible under all circumstances ?

A.—One can conceive that it may be desirable to follow the English precedent and permit it in very exceptional circumstances, but if there were any idea of making it general then I can imagine a meeting of the two sides of a local Government becoming a bear garden.

Q.—You would have to maintain a number of Accountant-General and so on.

A.—I can imagine that the fights between the various Ministers would be very fierce !

Q.—But very often the Minister raises money and a reserved department absorbs it. It does so happen sometimes. Are you aware of such cases ?

A.—I think the answer to that is that it is quite impossible from the present system of accounts either to prove or disprove it. If there is a common purse, the money must go into the common purse.

Q.—Take the case of a tax which is raised for repairing roads. After it was passed the Finance Minister refused to give it for the purpose of repairing roads. Don't you think it is a very unseemly quarrel and very undesirable that once a tax is raised for a particular purpose it should not be devoted to that purpose ?

A.—Before expressing an opinion I should prefer to see the different statements made in the Council at the time. If there was a definite promise given, that ought to be maintained—that is a common point of honour ; there should not be any quarrel about that.

Q.—In some matters the Central Government employs the local Governments as its agents,—for instance, in the matter of the income-tax administration. There is a movement now for the separation of the agents. Which is really cheaper for the country—the employment of a separate agency or the employment of the local Governments ?

A.—I think the question of cheapness ultimately depends upon the question of efficiency. The most important questions of agency have arisen in connection with subjects now placed under the Central Board of Revenue. That administers departments which collect important taxes and for that work a separate department is undoubtedly more efficient than trusting to an agent.

Q.—Now there are just one or two principles on which I should like to have some further light. For instance, take this question of the Local Government Borrowing Rules. I find some reference to " lasting public utility ". Does that refer to productive works or unproductive works ?

A.—It may be either.

A.—All that is required is that it should be lasting, it should be public and it should be useful.

Q.—A complaint was made in the evidence of some witnesses with regard to certain procedure. You know that Lucknow is practically the headquarters of the United Provinces Government. It is its *de facto* headquarters.

A.—Yes.

Q.—Allahabad is its nominal headquarters ?

A.—Yes.

Q.—Are you aware that the Secretaries to Government have been allowed to draw daily allowances for the whole period of thier stay in Lucknow on the ground that they are in camp ?

A.—No, I was not aware of that.

Q.—I will just read to you the complaint by a witness ?

A.—I will certainly investigate the matter, because it is a point with which I am very intimately concerned officially.

Q.—One witness has said, " daily allowances to three secretaries and sundry other officials for being in camp as it were, the camp being the city to which the business of the Government has been transferred and the headquarters being rarely visited by them. " Do you think that this satisfies the financial canons of propriety ?

A.—It certainly raises a question which I shall have to investigate. I can express no opinion until I have done so.

The Chairman (the Maharaja of Burdwan) then thanked the witness who then withdraw.

Saturday, the 30th August, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness.—Mr. Shaffat Ahmed Khan—continued.

Mr. Jinnah.—*Q.*—Your memorandum is based on the footing that it was not open to this Committee to inquire into anything the remedy for which was outside the scope of the Act.

A.—Yes, precisely.

Q.—As a member of the United Provinces Council, do you think that this system of dyarchy can work?

A.—Personally, I think it has not worked well. My opinion is that if the Governor had called all the Executive Council Members and Ministers and said, "Here we are, we must work together. I am not going to use any power under the Act and I will always go according to the wishes of the Legislature" then the Act would have worked very well indeed.

(*Dr. Paranjpye*).—*Q.*—That means there would have been no dyarchy?

A.—I don't think so. I am referring to the speech of Mr. Montagu on June the 5th when moving the second reading of the Government of India Bill. I am simply quoting his exact words.

Q.—You mean to say that if he had acted as a constitutional Governor, then dyarchy would have had a better chance?

A.—Personally, I think so.

(*Mr. Chairman*).—*Q.*—Was it open to him to do so under the Act?

A.—Under the Act he might have been obliged to do many things, but he could have observed convention.

(*Sir Sivaswamy Aiyer*).—*Q.*—Do you suggest that the Governor should have not merely consulted the two halves of the Government but should also have taken the votes of both halves of the Government on every question?

A.—I go beyond that even. I say that he ought not to have utilised the power which is given to him under the Act.

(*Sir Sivaswamy Aiyer*).—*Q.*—My question is specific. Do you mean to say that he ought to have taken the votes of both halves of the Government upon every question or that he should have only consulted them both, taking the votes of each half according to the nature of the subject ?

A.—I think he ought to have taken the votes of both parts of the Government.

(*Sir Sivaswamy Aiyer*).—*Q.*—That means abolishing dyarchy in the teeth of the Statute.

(*Mr. Chairman*).—That means transferring all subjects.

Q.—You say that notwithstanding the constitution which lays down a system of dyarchy, he ought to have acted as if he was a constitutional Governor.

A.—I think it will amount to that.

Q.—Then why a system of dyarchy at all ?

A.—I am not in favour of dyarchy as such. I thought it was only a stop gap, but if it had worked well, it would have been well.

Q.—With regard to Muslim communal representation. You know that under the Lucknow compact as well as under the present constitution in every province barring the North-West Frontier, which we will leave on one side for the moment, the Mussalmans are in a minority.

A.—Yes, at the present time.

Q.—That was under the Lucknow Pact also.

A.—Yes.

Q.—In no province—I am only putting it to you generally ; I do not want to go into details—in no province where the Muhammadans are in the minority have they got more than 30 per cent. of representation ?

A.—Yes.

Q.—That is the highest ?

A.—That is quite correct.

Q.—30 per cent is the highest and I believe 13 per cent. is the lowest.

A.—Yes.

Q.—In all provinces except Bengal and the Punjab ?

A.—Yes.

Q.—In Bengal the Muhammadans are in a majority—55 per cent.

A.—According to population.

Q.—And they have got 40 per cent. ?

A.—Yes.

Q.—In Punjab they are 54 per cent. and they have got less than 50 per cent. representation under the present arrangement ?

A.—Yes.

Q.—Therefore, in the two provinces where they are in a majority, they are reduced to a minority ?

A.—Undoubtedly.

Q.—And in the rest of the provinces also, they are in a minority—having representation not exceeding 30 per cent.?

A.—Yes.

Q.—Your point is that in those provinces where the Muhammadans are in a majority, such as in Bengal and the Punjab, they should not be reduced to a minority.

A.—That is my contention.

Q.—You are not opposed to giving adequate and effective representation to the Hindu minorities in those two provinces.

A.—Not at all. I made that clear the day-before-yesterday, I think.

Q.—That does not look like "Heads I win, tails you lose"?

A.—Yes, I agree with you.

(*Sir Sivaswamy Aiyer*).—*Q.*—We have been reminded that 30 per cent. is the maximum of representation that the Muhammadans have got in the provinces where they are in a minority?

A.—Yes.

(*Sir Sivaswamy Aiyer*).—*Q.*—And you are not quite satisfied with that?

A.—No. I do not say the minorities are not satisfied. I think the Muslims of all provinces, except Bengal and the Punjab, are satisfied.

(*Sir Sivaswamy Aiyer*).—*Q.*—What do you mean by effective representation? What percentage of representation do you regard as effective representation for a minority?

A.—By effective, I mean a consciousness of not being entirely submerged or overwhelmed.

(*Sir Sivaswamy Aiyer*).—*Q.*—But we must have some external test?

A.—The only external test I can apply is the practical ability by which the Irish Party from 1880 to 1918 were found to hold the balance between the Liberals and the Conservatives on various occasions.

(*Sir Sivaswamy Aiyer*).—*Q.*—Then you want them to hold the scales?

A.—It all depends upon the parties opposed to us.

(*Sir Sivaswamy Aiyer*).—*Q.*—I want to know what in your opinion would constitute an effective standard of representation for a minority in any province such as would enable that minority to hold the scales or in any other manner to render itself effective?

A.—In the first place, I cannot possibly lay down any hard and fast rule for every province; it is impossible. There are 4 per cent. Muslims, in the Central Provinces, 14 per cent. in the United Provinces, and how could you lay down any fixed standard in the case of any province? It is impossible. As regards effectiveness, all I can say—I can only express this in general terms—is the ability to influence, the consciousness of not being entirely overwhelmed.

(*Sir Sivaswamy Aiyer*).—*Q.*—Would you grant some right of effective representation to every minority in the community, the same kind of effective representation ?

A.—Yes.

(*Sir Sivaswamy Aiyer*).—*Q.*—Do you not think that the total demands for effective representation on behalf of the minorities may convert them into a majority ?

A.—I do not think it follows at all.

Q.—When we talk of the word 'effective' do I understand you to say effective not in the sense in which Sir Sivaswamy puts it, that in order to make it effective the minority should be turned into a majority ?

A.—Not at all. I made that clear day-before-yesterday.

Q.—What you really propose is this, that there must be a sufficient number to represent the minority who with the help of the majority may be able to carry their point in case of conflict ?

A.—That is precisely it.

Q.—And if in the United Provinces you were only confined to 14 per cwt., you will have to get a much larger number of the Hindu representatives in case of conflict to succeed ?

A.—Yes.

Q.—Whereas if you have 30 you require a less number ?

A.—Certainly.

Q.—But ultimately the minority can only succeed provided they get a certain number of the majority to support ?

A.—Precisely. May I, in this connection, refer you to the 5th despatch of the Government of India on the Franchise Committee's Report dated April 1919 in paragraph 22 where the same question is treated as regards the Muslims ? [I would also refer to paragraph 24, where the hardship to which the Bengal Muslims were exposed under the Congress-Muslim League Pact is stressed. *Note* :—Addition made later by witness.]

(*Dr. Paranjpye*).—*Q.*—Do you not think that this effective safeguard can be obtained by putting the second condition of the Lucknow Compact into the Act ?

A.—What condition ?

Q.—That if according to an impartial authority, for instance, the President of the Council, three-fourths of the majority of the Muhammadan members as such decided that a particular Bill was against their interests, then that Bill should not be passed ?

A.—No. I think the two are rather distinct.

Q.—Would not that be a more effective way of safeguarding the interests of the Muhammadans ?

[*A.*—I beg to differ. I think, very few Muslims will agree to this. The principle I have laid down is embodied in the resolution of the All-India Muslim League held in Lahore in 1924. It is the view of the Muslims of India. *Note* :—As subsequently changed by the witness.]

Saturday, the 30th August 1924.

Witness :—Messrs. N. M. Joshi and Dalvi, on behalf of the Bombay Presidency Association, Bombay.

EXAMINED BY THE CHAIRMAN.

Q.—I have very few questions to ask you. You are continuing the evidence given by Mr. Chitale ?

Mr. Joshi.—Yes.

Q.—Would you mind referring to page 15 of your memorandum ? You say that your proposals for larger powers being vested in the Assembly should be accepted ?

A.—Yes.

Q.—I understand that it is a condition precedent for the recommendations in paragraph 15 being given effect to ?

A.—We want both responsible government and extension of the franchise simultaneously.

Q.—I have read your memorandum. You desire larger powers for the Assembly, and then in paragraph 15 you make certain recommendations. As a condition precedent you regard that as essential ?

A.—We regard it as desirable.

Q.—Have you any idea to what extent your recommendation would increase the number of the Assembly members ? You say, " its strength should be increased to at least double its present size, so that every revenue district of the provinces should be in a position to send at least one representative. " How many would that add to the Assembly roughly ?

A.—It will add to the present Assembly by about between 125 and 150 members.

Q.—And not more .

A.—The present Assembly consists of 140, and I think if we add 150 to it we will get a good number. There are about 225 districts in India I think. Including the special interests the total number of seats in the Assembly will not be more than 300.

Q.—That is what you estimate it at ?

A.—Yes.

Q.—You think that the result of widening the franchise would not result in overweighting the electorate with illiterate people ?

A.—Of course, for some years there will be some illiterate voters, but our Association thinks that these elections themselves are a political education and even though the voters may not be literate they will be able to exercise their judgment properly at the time of elections.

Q.—You say, widen the franchise. Would you have manhood franchise ?

A.—If I speak on behalf of the Association. . . .

Q.—You are speaking on behalf of the Association ?

A.—We have not considered this question in detail ; but I would say that our Association would like the present basis of franchise for the local legislatures to be the franchise for the Central Legislature.

Q.—How many electors will that add roughly ?

A.—In India ? About 6 millions. 5 millions for the local legislatures, and one million for the Central Legislature.

(*Dr. Paranjpye*).—*Q.*—All the electors for the Central Legislature are also electors for the local legislature and therefore it will not add more ?

A.—Yes. It will be about 5 millions.

(*Dr. Paranjpye*).—*Q.*—You would not retain, I presume the same franchise for the Council of State ?

A.—I must say that this question also was not considered by our Association in detail, but if the Committee would like to have our ideas we would like to have the Council of State also as representative as the Assembly.

(*Dr. Paranjpye*).—*Q.*—Not on the same electorate ?

A.—We may vary the electorate.

(*Dr. Paranjpye*).—*Q.*—You will then have two chambers elected on the same franchise, and there is no use of a second chamber then ?

A.—We may vary the electorate, but we should have the same number of electors.

(*Dr. Paranjpye*).—*Q.*—How would you secure that ? I quite catch your point. You think that the present franchise is too narrow. If you have two chambers, you must have a different system of election, or a different electorate for the second chamber ?

A.—We do not want the Council of State to be representative of only certain interests. We want it to be as representative as the Legislative Assembly.

(*Dr. Paranjpye*).—*Q.*—How would you secure that ? If you elect on the same franchise you would get two chambers based on the same electorate. The composition of a second chamber in every constitution that I am acquainted with is something different from the first chamber, otherwise there is no use in having a second chamber.

(*Mr. Jinnah*).—*Q.*—You admit that principle ?

A.—I admit that principle, but I think that that can be secured by a change in the nature of qualifications for elections. At present we have got.....

Q.—A different class of candidates you mean by that ?

A.—No. Qualifications for voters. I may suggest this ; it is only a rough suggestion that has occurred to me just now. At present we have got property qualification mostly for the elections. I would suggest that we can secure a different basis of franchise such as education so that people who have studied so much should be given a vote.

(*Sir Sivaswamy Aiyer*).—*Q.*—As an alternative or a cumulative qualification ?

A.—Unless I study the figures it is difficult to say.

Q.—Would you accept my view that if you are to have two chambers you must have a different basis ?

A.—I admit that much, but I would like to have both the chambers equally representative.

Q.—There is only one other question. You envisage in your scheme—of course, it is, as you know, not in the power of this Committee to recommend—you envisage a Government of India with a transferred half and a reserved half ?

Mr. Dalvi.—Yes.

Q.—Ministers, and certain things reserved in the Viceroy including the army ?

Mr. Joshi.—Yes.

Q.—Then I think Law and Order would be in the hands of the Minister ?

A.—Yes.

Q.—Let me put to you this. In the event of a serious internal disturbance, such as unfortunately has happened in our own time, if a large number of troops are required, who is to decide whether the troops should be called out ? Is he the Viceroy who is not responsible for law and order, or the Minister ?

A.—The Viceroy as the head of the Government will have some responsibility, but the Minister also will be responsible.

Q.—Who is going to say, send out so many regiments of infantry, and so many squadrons of cavalry ?

A.—I think both the Minister and the Viceroy.

Q.—Supposing the Viceroy takes this line—take it for the sake of supposition—that " this disturbance has been brought about by your failing to maintain a sufficient number of police and I cannot help you ? "

A.—If there is a difference between the Viceroy and the Minister, generally what happens in other countries will happen here; the Minister will resign and the Viceroy may get another Minister.

Q.—He cannot get any other Minister under your scheme ?

A.—If the Viceroy cannot get any other Minister.....

Q.—It is not so much a constitutional point as it is a practical one. Who is going to give the order ? Is the Minister to call out the troops ?

A.—In the present circumstances I suppose the Minister will have to go to the Viceroy to give orders to the military.

Q.—The use of troops would be in the hands of the Viceroy ?

A.—Yes.

Q.—And if the Minister asks for troops and could not get them he will have to do without them ?

A.—It will involve a constitutional crisis. The Minister will resign and the Viceroy can get another set of Ministers who will carry on.

Q.—But regarding the army, under your scheme, the Viceroy is to have full control of it ?

A.—Yes.

Q.—I quite understand under your scheme the Viceroy would direct all operations external. But what about internal operations ? Take an outbreak like what we had recently, the Moplah outbreak. You have the local Government responsible to its own legislature. They have not, let us assume, sufficient police to cope with it. They come to your responsible Government of India. That responsible Government of India send all the police

they have, but they are not sufficient. Such a position may easily arise and has arisen. The Minister goes to the Viceroy and says, " May I have so many troops ? " Can the Minister say, " You must send troops " ?

A.—Generally we shall expect the Viceroy to give the Minister the assistance of the troops.

Q.—Under your scheme he will not be responsible for the policy which led to the outbreak ?

A.—The Viceroy will be responsible for the policy of the Minister to the extent to which he is the head of the Government.

Q.—But under your scheme he would not be the head of the Government except that he is a constitutional Governor, bound by the advice of the Minister as regards law and order, but he will be an autocrat as regards the use of troops. It is a very difficult question ?

A.—On some occasions there will be some difficulties.

Q.—I do not think I have got anything more to ask you on this memorandum. But as you are here, with the permission of the Committee, I should like to put a few questions to you on the Labour Resolutions which you have sent.

A.—But I must make it quite clear that this Labour Resolution is quite separate from the Bombay Presidency Association's views.

Q.—But still as we have got you here and you have asked to be examined on that also, I just want to put a few questions on that. You ask for the extension of franchise for different reasons. You ask for adequate representation of the working classes ?

A.—Yes.

Q.—What do you mean by the working classes ? Are you concerned merely with industrial labour, or are you considering any other form of labour also ?

A.—Among working classes I would include all labour.

(*Dr. Paranjpye*).—*Q.*—Even agricultural ?

A.—Even agriculturists who are neither proprietors nor tenants, but who are mere labourers.

(*Dr. Paranjpye*).—*Q.*—Would you include officials in your working classes ? (A member—high officials ?)

A.—I do not mind his joining a trade union, he will be one amongst several. We won't give him more votes simply because he is a high official.

Q.—Do you consider that it will be possible for the working classes to be represented in the ordinary constituencies, as things are at present ?

A.—In the ordinary constituencies under the present Act I do not think it possible.

Q.—Supposing you had a large extension of the franchise.

A.—I will give an instance from Bombay. In Bombay any man who pays a monthly house rent of Rs. 10 has a vote, but the working classes in Bombay do not pay—I do not say all—but generally they do not pay more than Rs. 3 or 4 a month.

Q.—Then you do not think it will be possible except by special representation ?

A.—No, I do not think. I do not think it possible unless we attempt to have some separate electorates as the Bombay Government once thought of doing.

Q.—Is that feasible ?

A.—I thought it was feasible because they wanted to put a different qualification, *viz.*, wage qualification, for the workers.

Q.—I do not know Bombay, but I take it a good deal of your working classes are factory hands who have come from the districts ?

A.—They are factory hands, dock labourers, building workers, structural workmen.

Q.—My point is that it is mostly imported labour.

A.—Bombay city is a new city. Most of the population there is imported in that sense.

Q.—In Bengal nearly all the jute factories are worked by people from upcountry, such as Bihar and Orissa and the United Provinces.

A.—The Bombay labour comes from the Bombay Presidency itself, quite near from their homes.

Q.—Does it live in Bombay or does it go back ?

A.—Some of them go back home and again they come back. They go back when they fall ill or when they want a holiday.

Q.—Do they make their homes in Bombay ?

A.—It is not possible for people to make homes in Bombay.

Q.—If they go back, they go back to their own districts. Are they not represented in their own districts ?

A.—I do not know how many of them will be represented, how many of them will be tenants or proprietors of lands.

Q.—If you have a large body of migratory labour it is extremely difficult to get any form of constituency because it will vary each time. The man goes down,—I know in Bengal they do it—works for two or three years, goes back home and does tilling, etc., for the rest of the period.

A.—I do not admit the statement that Bombay labour is migratory. Bombay labour is quite steady.

Q.—Then he makes his home in Bombay ?

A.—Yes, till he retires from work.

Q.—Then he goes back to his village ?

A.—He will go back if he has something left in the village.

(*Sir Arthur Froom*).—*Q.*—He frequently makes annual visits to his village ?

A.—I do not admit it is annual. He visits his home often. But my experience is that these people once they come to Bombay gradually lose whatever little property they hold in their district.

Q.—Then they become landless labourers ?

A.—Yes.

Q.—Then it is difficult for them to be represented in a constituency unless you have special representation or they are nominated ?

A.—If we lower the present franchise of rent from Rs. 10 to a small amount then they can be represented.

Q.—In Bombay ?

A.—Yes.

Q.—Would you look at resolution No. 2. You suggest that there should be 12 seats for the working classes in the Assembly ?

A.—Yes.

Q.—They will have to be nominated ?

A.—No. They should be elected by organisations of labour. At present the Government nominates one member in Bombay, two in Bengal, one in Assam, and one in Bihar and Orissa.

Q.—You propose that in these Provinces they should be nominated ?

A.—I do not approve of nomination. I propose that they should be elected by labour organisations. Just as elections take place in the case of representation by the Indian Merchants' Chamber and Bureau, the Millowners' Association, the Planters' Association, etc. I should like to have elections by our organisations.

Q.—By labour organisations ?

A.—Yes.

Q.—Have you got any ?

A.—Yes.

Q.—Sufficiently really representative ?

A.—I can say for our purposes it is sufficient. I do not say I am satisfied with the progress, but I can say it is sufficient for our present purposes.

Q.—What is your own organisation ?

A.—The strength of our organisation is about—the actual membership will be about two hundred thousand.

(*Sir Sivaswami Aiyer*).—*Q.*—In the city ?

A.—In all places.

(*Dr. Paranjpye*).—*Q.*—In the whole of the Bombay Presidency ?

A.—We have not got two hundred thousand members in Bombay alone.

Q.—Are your members registered ?

A.—We have got some records. We print our conference reports.

Q.—Are the members actually registered ?

A.—The members are registered by the Unions not by the all-India Trades Union Congress. The Unions have got their registers.

Q.—Have you got leaders fit to represent these working classes in the Council ?

A.—Yes.

Q.—I am asking you, are there any people who can do that at present, —people sufficiently experienced ?

A.—In the case of some kind of labour it is possible for them to get a man out of their own ranks, such as the railway labour.

Q.—Supposing I ask you to nominate, or suggest the nomination of a real labourer, a man who actually works with his own hands, can you think of one ?

A.—That depends—if you go to a workshop and get a good fitter you may find—I do not say exactly a fitter, but a man somewhat higher than a fitter—it is possible he knows English and will be able to represent their interest.

Q.—We in England find that when you get a man of that class—a man a little above his own class, he is not really their representative, he is very often disliked.

A.—I would not like any restriction being put by the Government of India that the representative of the electors should come from their own class.

Q.—You would not do that ?

A.—No.

(*Sir Arthur Froom*).—*Q.*—This superior fitter very possibly would be coming within the franchise now ?

A.—Yes. There is no harm in his representing the working classes.

(*Sir Arthur Froom*).—*Q.*—You have got him on the franchise now, and why should he not remain there ?

(*Mr. Jinnah*).—*Q.*—How would you get your working man send his representative ? By a separate electorate ?

A.—There are labour organisations, just as there are organisations of employers like the Indian Merchants' Chamber and Bureau.

(*Mr. Jinnah*).—*Q.*—Supposing you have a Minister in charge of Law and Order. He would be responsible to the Legislature ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—And would you expect him to be as jealous as anybody else to maintain law and order ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—Would he be any worse than a member in charge of Law and Order under the present Executive Government ?

A.—I do not think so. On the contrary he will get more help and support from the public to maintain law and order.

(*Mr. Jinnah*).—*Q.*—And provided we have got a statesman of a Viceroy do you think that there is likelihood of his refusing to help the Minister ?

A.—I do not expect any difficulty. But legally speaking.....

(*Mr. Jinnah*).—*Q.*—I am now talking practically. Supposing we had a great statesman of a Viceroy and he was of course the ultimate master of the troops, we will say, when they should be used and should not be used, do you think it is likely—of course, it is possible—but do you think it is likely that in normal circumstances he would refuse to help the Minister ?

A.—I do not think it likely.

(*Dr. Paranjpye*).—*Q.*—You answered a few questions about the Council of State. You agree that the Council of State's functions are somewhat different from those of the Assembly ?

A.—The Council of State will be a sort of revising chamber.

(*Dr. Paranjpye*).—*Q.*—So that it should be constituted on an entirely different footing, people with greater experience chosen simply because they have got experience, or because they are the representatives of experienced people—people who can form a sound judgment upon details of public policy ?

A.—I really cannot say anything on behalf of the Association because this question was not discussed. I have expressed my own view.

Mr. Dalvi.—My opinion on that point is that the second chamber should be a regular revising chamber, and therefore the element of which it is composed should be such as can revise the mistakes of the Assembly, if they commit any, in order that no legislation may be carried in a hurry. That is my meaning of a second chamber.

(*Dr. Paranjpye*).—*Q.*—So that if you make the Council of State as representative as the Legislative Assembly and in the same way, are there not likely to be many opportunities for disputes between the two houses ?

Mr. Joshi.—I do not think there will be. If there is sufficient provision made in the rules I do not think that there will be any disputes.

(*Dr. Paranjpye*).—*Q.*—The Legislative Assembly should have the final voice if they insist upon it ? The upper chamber should have a revising power and possibly a little delaying power ? That is what you want ?

A.—Yes.

(*Dr. Paranjpye*).—*Q.*—What do you think of the proposal that has been occasionally made that in the case of the Council of State they should

necessarily be seats for people who have held certain high offices and have experience, a kind of elder statesman ?

Mr. Dalvi.—I do not approve of that. That is quite distinct from our opinion of what the second revising chamber should be. It may, by election, contain some men of official experience and who have had knowledge of administrative work. But we would not make such experience a *sine qua non.*

Mr. Joshi.—If you make it completely advisory, I do not mind men of experience, who are not elected by the people, sitting there.

(*Dr. Paranjpye*).—*Q.*—You would not approve of the system which prevails in Japan, for instance, in the case of the Upper House, or which prevailed in the old Roman Senate, where people who had held certain appointments necessarily became members of the Senate ?

A.—I do not approve of that.

Q.—Would you like it ?

Witnesses.—We would not like that.

(*Mr. Jinnah*).—*Q.*—You are in favour of the franchise being lowered. Does that apply to the local Councils also or not ?

A.—It applies to the local Councils also.

(*Mr. Jinnah*).—*Q.*—Supposing that was done, would you also advocate the increase of representatives in the local Council ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—Supposing that was done, then would you not accept the principle that the second chamber should consist of those representatives who may be elected by the various local Councils ?

A.—We are not in favour of indirect election.

Sir Henry Moncrieff Smith.—*Q.*—I rather fail to understand paragraph 3 of your memorandum, part B. You say : " *It* owned no responsibility to the people of India and the Secretary of State in actual practice..... " What do you mean by ' It ' ?

A.—I think the word ought to be ' he ' meaning the Secretary of State.

Q.—As it stands it is quite contradictory of the following paragraph where you talk about the Secretary of State's control proving very irksome and irritating ?

Mr. Dalvi.—What we meant was that it is true that the Secretary of State does not give the same attention to Indian affairs as he gives to English interests.

(*Sir Sivaswamy Aiyer*).—*Q.*—By ' It ' you mean the bureaucratic Central Authority ?

A.—It means the Government of India.

Q.—In several places in the memorandum your Association talks about the representatives of the people being driven to do certain things against the Government. For instance, in paragraph 5 it is stated that they had no other alternative under the anomalous situation created by the

present Government of India Act than to resort to constant deadlocks. Then in paragraph 13 you say that the representatives often feel tempted to obstruct. In paragraph 14 it is sated : " The Assembly has no alternative but to cripple certain departments by defeating the budget with regard to its establishment...." I do not quite understand why there was no other alternative. You are a member of the Legislative Assembly. Did you vote for throwing out the whole of the Demand for ' Customs ' ?

Mr. Joshi.—No. I did not vote for throwing out the Demand for ' Customs '.

Q.—Do you mean to say that the other members who did vote for throwing out the Demand for ' Customs ' were driven to do so ?

A.—That is what the general feeling is. But I must make one thing clear. Our Association is not a Liberal Association. We have made it clear in the last paragraph that this Association is a sort of non-party Association. This sentence, therefore, does not fully represent my view. I do hold this much that a feeling comes over every member of the Legislative Assembly that, unless it resorts at one stage or another, to the policy of obstruction, it cannot get anything done. As a matter of fact, if you will ask me why I did not vote against the ' Customs ' Demand, I will say that I did not do so because I did not want to lose the sympathies of the Labour Government which had come into power very recently. If the same thing had happened a year later, I would certainly have voted against the Demand for " Customs."

(*Mr. Jinnah*).—*Q.*—You said just now that if such a thing had happened a year hence, you would have voted against the Demands throughout ?

A.—Yes. If, I find that the Labour Government does not do anything for us in the direction of further constitutional advance, then I may vote against the grants.

(*Mr. Chairman*).—*Q.*—If it had been a Conservative Government, you would have voted against it last year ?

A.—Then we would have become hopeless.

(*Sir Arthur Froom*).—*Q.*—Are you disappointed with the Labour Government ?

A.—Not yet.

Q.—Now please refer to paragraph 7 where your Association says : ' Experience of the last 4 years has shown that even in the narrow sphere of partial provincial autonomy in the transferred subjects, the local Governments have found their powers curtailed by the exercise of their wide and elastic power of superintendence, guidance and control." Could you tell the Committee what is the wide and elastic power of superintendence, direction and control vested in the Government of India over transferred subjects ?

(The witness could not fully catch the question).

Q.—Perhaps I had better explain it further. You are aware of the section in the Act which enables the powers of superintendence, direction and control over transferred subjects to be restricted. You are aware that the power has been restricted by the rules ?

A.—Yes.

Q.—If you are familier with the rule, would you be prepared to maintain that it gives to the Government of India a power which is a very wide and elastic one?

A.—There is still a power left to the Government of India. Even in transferred matters, power is still left to the Government of India to interfere.

Q.—Do you know on what grounds the Government of India can interfere in transferred subjects?

A.—In the case of legislation, for instance.

(The witness then read out Rule 49 of the Devolution Rules).

Q.—That is an exhaustive list of the powers which the Government of India can exercise.

A.—But even in matters of finance and legislation relating to transferred subjects, the Government of India have got powers of interference.

Q.—But the powers are covered by Rule 49. Is there anything that you would like to take out of that rule. Do you think it is too wide? What would you do with it?

Mr. Dalvi.—We do not complain that the rules regarding interference with regard to transferred subjects require any revision as such. But we say that even under these rules the Government of India have on occasions interfered with the administration of transferred subjects in the provinces.

Q.—Could you mention an instance?

Mr. Dalvi.—I can mention one or two instances. The ex-Minister of the United Provinces gave an instance of the Allahabad University Bill. From Bombay I may be allowed to give one or two instances. One of the members of the last Bombay Council, Mr. Gupta, had brought a Bill for the prohibition of liquor in the Bombay Presidency. Under the rules the sanction of the Government of India was required and consequently the Bill was sent up. Although it was a Bill which related to a transferred subject, namely, Excise, the Government of India declined to give its sanction. That is one instance. Then as regards taxation, we have a Village Panchayats Act and the Local Boards Act. Under the Village Panchayats Act it is permissible for the Village Panchayat Committee to tax professional incomes. Accordingly one district in our Presidency actually taxed the professional incomes. The local Government, with the knowledge or sanction of the Government of India, declined to sanction the power which is given to the Village Panchayat Committee to tax professional incomes, although the Village Panchayat Act and the Local Board Act had previously obtained the assent of the Government of India by which this power was given to the Village Panchayats.

Q.—You mean to say that the Act gave the power of taxation subject to the sanction of the Governor General in Council?

A.—I am aware that the Act does not provide for the sanction of the Governor General. It was a legitimate tax which the Panchayat was

allowed to levy without anybody's previous sanction. The result was that professional incomes could not be taxed. That was one of the important sources of income of the Village Panchayat.

Q.—But those professional men might have paid income-tax ?

A.—They might or might not have. But that was contemplated when this clause was put in. Lawyers and Doctors in that area must have been paying income-tax at the time when this Bill was passed.

Q.—I suppose you realise, Mr. Dalvi, that for a Bill on a transferred subject like liquor or local authorities, it is almost impossible that it should not impinge on some Central subjects. The subjects must overlap and therefore there is bound to be a great difficulty in giving local legislatures free and unfettered powers of legislation. Do you think a clear-cut division of subjects between Central and Provincial is possible ?

A.—There are some subjects which overlap. But in this case of Excise, which is a transferred subject, I do not think there is anything which impinges upon any Central sphere.

Q.—This subject of Excise might not impinge on the Central sphere, but what do you say to Customs ?

A.—So far as my knowledge of the subject goes, these are two separate heads.

(*Dr. Paranjpye*).—*Q.*—What about imported liquor ?

A.—But this Bill did not affect imported liquor, so far as my recollection goes. It only referred to country liquor.

(*Mr. Jinnah*).—*Q.*—If there is an infringement by a Provincial subject over a Central subject, do you think, the Government of India being a party to that dispute, they should be the judges also ?

Mr. Dalvi.—Then the rules should be changed for setting up an independent authority.

(*Mr. Chairman*).—*Q.*—But you told us you did not think the rule wanted any change ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Do you wish to modify that ?

A.—I would do so as to make the transferred sphere as independent as possible.

Q.—In the legislative sphere where Mr. Jinnah talked of an independent authority, you realise it is not the Government of India who gives previous sanction to local legislation ?

A.—In some cases it is.

Q.—It is the Governor General. You realise that the Governor General is an entirely different thing from the Governor General in Council ?

A.—Yes.

(*Dr. Paranjpye*).—*Q.*—Don't you think this continual intermixture between transferred and central subjects is the very reason for the abolition of dyarchy ?

A.—Yes.

Sir Sivaswamy Aiyer.—*Q.*—You suggest an increase in the size of the Assembly ?

A.—Yes.

Q.—I suppose you would go up to a maximum of 300 ?

A.—That suggestion we have made here ; for the present that is the minimum.

Q.—It would enable you to give one representative for a million ?

A.—This is the minimum ; I would like to have more.

Q.—You do not think an Assembly of 300 would be too unwieldy ?

A.—No.

Q.—With regard to the franchise, are you in favour of lowering it still further, in Bombay, for instance, for the Provincial Legislative Council ?

A.—Yes.

Q.—Your qualification is payment of a land revenue of Rs. 36 ?

A.—It varies in different districts. They fix the figure in order to get a certain number of voters.

Q.—What is the limit to which you would lower the franchise ? I may tell you that in Madras the franchise for the local Council is the payment of Rs. 10 rent, revenue or tax, and the payment of Rs. 3 municipal tax.

A.—Yearly you mean ? I think it will be quite sufficient.

Q.—It is not necessary to lower it below that ?

A.—I cannot say that on behalf of the Association.

Q.—Then as regards the size of the electorates, may I know what is the strength of the largest electorate in your province ?

A.—For the local legislature, it will come to 20 to 25 thousand votes for two seats.

Q.—May I tell you that in Madras in some of the districts the electorate goes up to over a lakh, for instance in the Krishna District, where the electorate goes up to 120,000.

A.—Madras will require more members in that case.

Q.—Having regard to the existing size of the electorates which are now composed very often of two districts, you would advocate, I suppose, splitting up of the electorates into one for each district ?

A.—For the local Council I would also increase the number of members and make the electorate as compact as possible.

Q.—And never exceed a district ?

A.—Never exceed a district.

Q.—Possibly sometimes divide a district ?

A.—Yes.

Q.—Where we have for instance three candidates for the district you would sub-divide it ?

(*Mr. Chairman*).—*Q.*—You mean three seats ?

(*Sir Sivaswamy Iyer*).—Yes, I meant three seats. It was a slip of the tongue.

A.—On the whole dividing will give greater advantage. The larger the electorate is, the more difficult it is for the ordinary man, who has not got very large means, to get into touch with the electorate.

Q.—Subject, of course, to the necessity for having a plurality of seats for special considerations as we have in Madras ?

A.—Yes.

Q.—Then with regard to the powers of the Central Legislature you say the legislative powers of the Legislature are not sufficiently wide and the popular representative ought to possess the power of bringing forward social legislation, even affecting religious customs. I suppose you are referring to the section which requires the previous sanction of the Governor General in Council ?

A.—Yes, we do not want that previous sanction.

Q.—Suppose you want to bring in a Bill for the confiscation of religious endowments, do you think it should not require the previous sanction of the Governor General in Council ?

A.—We would leave it to the good sense of the Assembly and the people.

Q.—You think you should leave it to the Council and allow the Governor General to come in afterwards ?

A.—As a matter of fact Indians are better qualified to bring in legislation on social and religious matters than the Government of India. How is the Government of India, which makes it its policy not to interfere in the religious usages of the people of the country, to be made the judges of such legislation ?

Q.—Is there not a danger of social reformers running ahead of the community in the Assembly or outside ?

A.—I do not think the social reformers will get a large majority.

(*Mr. Chairman*).—*Q.*—Do you recognise that some Bill might be brought in dealing with religious rights which might cause considerable communal excitement ?

A.—But I leave that to the good sense of the people and the Assembly. There will be such a strong feeling against the man who does an act which goes against the interests of the community that no man will dare to bring forward such Bills.

(*Mr. Chairman*).—*Q.*—We have had Bills which have raised discussion in the country, not in the Assembly where the Members are supposed to be educated, but would you not be afraid that the ignorant people might be excited by misrepresentation of a Bill which was perfectly harmless, but which might be represented as directed against Hindus or Muhammadans ?

A.—There may be some trouble sometimes but still I feel the balance of advantage is greater.

Q.—With regard to the Army, I should like to know exactly what your view is. In summing up your conclusions you say that all departments now administered by the Government of India should be transferred to a sufficient number of Ministers with collective responsibility among themselves so far as these subjects are concerned, and the Viceroy should occupy the position of a constitutional Governor-General with regard to them. Does that include the Military Department also—clause (2), paragraph 17 ?

Mr. Dalvi.—We are speaking only of the civil administration.

Mr. Joshi.—We would leave the military portion to the Viceroy.

At this stage the Maharaja of Burdwan took the Chair.

Q.—I put the question to you because you use the words " all departments " and you make no reference in clause (2) so as to except clause (3).

A.—Clause (3) must be read with clause (2).

Q.—Even with regard to the Army do you think that the Legislature should have a voice in certain matters, for instance with regard to expenditure ?

A.—We have made it clear that we should first fix a minimum. If the military expenditure exceeds that minimum there must be sanction of the Assembly.

(*Mr. Jinnah*).—*Q.*—And you also go further and say, the Assembly may be over-ruled by the Viceroy by certification ?

A.—Yes, we have given him that power.

Mr. Dalvi.—Up to that minimum.

Q.—In the matter of military policy, do you think the present system works satisfactorily, the organisation of the Army ? Are you satisfied with the present system ?

A.—I am not satisfied because in the first place Indians are not allowed to join the commissioned ranks in several branches of the Army.

Q.—So you have got some grievance with regard to the present policy ?

A.—Many grievances.

Q.—How would you rectify that ?

A.—We have said in our memorandum that Indians must be made fit for the defence of the country within 20 years' time. It means that there must be some arrangement made by which gradually the number of Indian officers in the Army will be increased, and they will be also introduced into the other spheres, in which they are not at present admitted.

Q.—You want to vest the control of the Army and of the military administration as a reserve department in the hands of the Viceroy ? At the same time you are not quite content with the present organisation and policy, so far as the claims of Indians are concerned ? How would you manage to reconcile on one hand the satisfaction of Indian

aspirations with your proposal to reserve the administration of the department in the hands of the Viceroy ?

A.—We shall have to come to some agreement as to within how many years Indians will be trained.

(*Mr. Jinnah*).—*Q.*—You would require some scheme to be framed ?

A.—Yes, we want some scheme made.

Q.—Do you think that any constitution, or any changes in the constitution will give satisfaction to the people unless this question is tackled ?

A.—No, I do not think so.

(*Mr. Jinnah*).—*Q.*—Did I understand you to say that there are several branches in the Defence of India to which Indians are not admitted ? Which are those ?

A.—The Artillery and Air Force.

Q.—And what else ?

A.—Navy.

Q.—Do you know that Indians are not admitted to Woolwich ?

A.—Yes, that is also our complaint.

The Hon. Sir Alexander Muddiman here resumed the Chair.

Q.—I suppose in judging of the merits or the defects of a constitution, the extent to which the constitution is calculated to invoke the co-operation of the people is an important factor ?

A.—Yes, it must evoke the co-operation of the people.

Q.—And do you think that any constitutional scheme which fails to satisfy the aspirations of the people with regard to the Army can be regarded as satisfactory or really good ?

A.—No, not at all ; there will still be great dissatisfaction.

Q.—We have been asked with regard to the maintenance of law and order as to what we would do in certain contingencies. Now at present when there is a disturbance in a district and the civil authorities need the support of the military, I suppose you know that the civil authorities apply to the military for aid and the military authorities generally respond readily to the appeal ?

A.—Yes.

Q.—Do the military authorities enquire into the question whether the civil authorities are right or wrong and do they go into the administration of the civil authorities before they tender their help ?

A.—I do not think it is their business.

Q.—As between the Member in charge of Law and Order according to your scheme in the Government of India and the authority in charge of the military, do you expect the relation to be the same as that which now obtains between the civil and the military authorities or to be different ?

A.—It is difficult to speak definitely on this point as much will depend upon individuals

Q.—What do you expect ?

A.—On the whole I think there will be no difficulties.

Q.—You think there will be no friction ?

A.—No friction.

Q.—And that the military authorities will generally come to the aid of the civil authorities for suppressing disorder ?

A.—Of course. The military people are known to have a sense of discipline.

Q.—And you do not anticipate any friction between the two Departments ?

Both witnesses.—We have no apprehension whatever.

Sir Arthur Froom.—*Q.*—Mr. Joshi, I have only got a few questions to ask you. At the beginning of your second paragraph, you say : " The Government of India has from its inception been bureaucratic in its personnel and autocratic in its powerrs.". That is not meant as a criticism ?

A.—No, that is a statement of fact.

Q.—You do not quarrel with that ?

A.—Oh, yes, I quarrel with it.

Q.—Are not most Governments in the history of the world at the very beginning autocratic and then they gradually divest themselves of autocracy ?

A.—But we aim at democracy.

Mr. Dalvi.—We do not quarrel with the past. We say it should not be so any longer at present. Therefore we say that from the beginning the Government of India has been bureaucratic.

Q.—My idea is not to criticise the paragraph, but I want to know exactly what you meant by it ?

A.—We meant to state a fact.

Q.—Do not you consider that a natural fact—that most Governments in the history of the world have at the beginning been autocratic and only gradually divested themselves of autocracy ?

A.—When they started it may be quite intelligible.

(*Mr. Jinnah*).—*Q.*—You want to end it now ?

A.—I should have liked to end it much earlier. The rate of progress is slow and does not satisfy anybody.

Q.—Perhaps we don't agree about the meaning of the word " inception " and I will leave it there. There is another thing. I don't want to lay very great stress on it but I don't quite understand your paragraph 4 where you go on to say :

> "..... three Indians were introduced into the Executive Government with a view to influence the decision of the Central Government both in the Executive and the Legislature. But

this influence was circumscribed by the fact that the three Indians being in a minority could not always necessarily prevail....."

A.—I mean it does not satisfy us.

Q.—It does not satisfy you or the three Indian Executive Members ?

A.—Well ; they are in a minority and moreover they are not responsible—we are not satisfied with that sort of position.

Q.—You state that the three Indians could not always prevail ? You have no inside knowledge of the Executive Council ?

Mr. Dalvi.—No.

Mr. Joshi.—We judge it only from the constitution.

(*Mr. Chairman*).—*Q.*—What you would like is that the Indian Members should always prevail ?

A.—That is our present demand ; we want responsible government.

Q.—I only wondered whether Mr. Joshi had inside information. Now I would like just for a moment to ask you a few questions about labour. Like everybody else I have great admiration for your work, Mr. Joshi (*Mr. Joshi.*—Thank you), but as regards extending the franchise in Bombay to labour generally—which I believe I understood you to wish—to all mill-hands and dock labourers, do you think if the franchise were so extended that the majority of the men (I grant there may be a few exceptions) are capable of wielding their vote in a satisfactory way ?

A.—I think on the whole they will be able to give their vote in a proper manner.

Q.—They might go and put a cross with a pencil, but let me put the question to you in another way. Before these men are better educated—I don't say necessarily education from only one point of view but before they have a broader mind and a keener sense of appreciation of government,—don't you think that until that comes about (which we all hope will come about) there is a danger that if all these men have the vote their votes will be swayed by a certain number of agitators who move about among labour; I won't mention their names and I am quite sure you don't associate yourself with them; but we do know that in Bombay there are a certain number of agitators among labour, as there are in most countries. Now if these men have the vote, which they don't understand, there is a danger of giving a great deal of power to the agitators who may do a great deal of harm ?

A.—My answer is, in the first place, this danger about illiterate voters and the wrong use of votes already exists under the present constitution itself. A man may possess property and pay a rental of Rs. 16 and still may be quite as illiterate as a labourer. Therefore this is not a new danger that we propose to introduce. And secondly, I am not so much against agitators as you seem to be, Sir Arthur Froom, because I feel that agitators have a very useful part to play in public life.

(*Sir Sivaswamy Aiyer*).—*Q.*—Has the Labour Party in England been always represented by members of their own class ?

A.—No.

Q.—For instance, Mr. Ramsay Macdonald—was he a labourer ?

A.—No, I cannot call him a labourer.

Q.—Then I think you told the President that the number of the members of your Unions was 200,000. All over India ?

A.—All over India.

(*Mr. Chairman*).—*Q.*—I understood that, Sir Arthur.

Q.—I did not quite understand it. There is just one more question I want to ask you. I think you gave it as your opinion that the more democratic a country is, or the more a country is governed by its own people, the more likely is it that law and order will prevail. You think that is so ?

A.—I think so.

Q.—Would you agree that it is so with the South American republics ?

A.—There may be cases where there may be anarchy for some time....

Q.—I am not quarrelling with your opinion. You can stick to your opinion just as I stick to mine. But I don't think history reveals that fact—that you get better law and order from government by the people.

A.—In the first place, I do not know much about South America, and what I do know about South America is that it is the interference of the oil interests that are responsible for creating disturbances in those States more than any other reason.

(*Mr. Chairman*).—*Q.*—Where is that ?

A.—In Mexico and the South American States. At any rate, that is the information I have collected—that the disturbances are really due to the oil interests of the United States.

Mr. Dalvi.—I wish to make one small correction in what was said by Mr. Chitale appearing on behalf of the Bombay Presidency Association. The number of Muhammadan members of the Association there is 68 out of 400.

(*Mr. Chairman*).—*Q.*—What did he say ?

A.—He said about 30 to 40. I may also state that there are several Muhammadan gentlemen who are and had been Vice-Presidents and Secretaries. Besides Mr. Jinnah, a large number of educated Muhammadans are members of the Association.

(*Mr. Jinnah*).—*Q.*—You did not consult me with regard to your memorandum ?

A.—No, you did not see it before it was sent in.

(*Mr. Chairman*).—*Q.*—You cannot then hold Mr. Jinnah responsible for your views ?

Mr. Joshi.—We would like to see Mr. Jinnah attend our meetings more frequently.

Mr. Dalvi.—There is another thing also I wish to mention, Mr. Chairman. It must not be taken that Mr. Joshi's views about labour bind the Presidency Association.

The Chairman then thanked the witnesses and the Committee adjourned.

Thursday, the 16th October, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Sir Provash Chunder Mitter, *ex*-Minister. Bengal.

EXAMINED BY THE CHAIRMAN.

Q.—Have you printed copies of your memoranda ?

A.—I have the printed copy of the last, but not printed copies of the memoranda of June and July. Of those I have typed copies.

Q.—In the first place let us make one point clear. The first opinion I have among my papers is the memorandum of 16th June ; then we have another memorandum of the 31st July, and then we have this one which you sent on the other day ; therefore there are three memoranda ?

A.—Yes. The first memorandum I submitted to the Local Government when they wrote to me, and the second I submitted to the Committee here, and the third I also submitted to the Committee. As I explained there, I was under the impression on the terms of reference that the enquiry was limited, but I discovered from the newspaper reports that it was permissible for witnesses to enter into the whole question.

Q.—I take it we may assume that you wish us to take these three documents together as one document ?

A.—Yes.

Q.—In the first place I think I am correct in assuming that you were one of the first Ministers in Bengal ?

A.—Yes.

Q.—There were three Ministers, yourself, Sir Surendra Nath Banerjea and Nawab Ali Chaudhri, and you held office throughout the term of the first Council ?

Q.—In the dissolution of that Council you were again elected ?

A.—Yes.

Q.—For the Bengal Land-holders ?

A.—For the Presidency Land-holders ; that was my constituency for many years.

Q.—And you are now in fact a Member of the Bengal Legislative Council ?

A.—Yes.

Q.—You did not take office again after the dissolution ?

A.—No.

Q.—Therefore you have not been a Minister during these last few months ?

A.—Not during these few months.

Q.—You were however continuously present in the Council during that period ?

A.—Yes.

Q.—And the present Ministers, or rather the ex-Ministers in Bengal in the second Council were ?

A.—Mr. Surendra Nath Mullick. He was not elected and therefore had to resign. He was there for about a month and a half or thereabouts ; not more than two months. Then there were Mr. Ghuznavi and Mr. Fazlul Huq.

Q.—There were only two Ministers ?

A.—After Mr. Surendra Nath Mullick resigned there were only two Ministers.

Q.—And they held office till the recent debacle ?

A.—Yes.

Q.—They were both Muhammadans and both from Eastern Bengal ?

A.—Yes.

Q.—Mr. Fazlul Huq I think is a Dacca man ?

A.—He is a Barisal man but he has been in Calcutta for many years. Mr. Ghuznavi is from Mymensing.

Q.—Would you mind referring to your first memorandum, the one of June. What Department were you in charge of in the first Council ?

A.—My most important department was the Education Department.

Q.—What was Nawab Ali Chaudhri in charge of ?

A.—His most important department was that of Industries and Agriculture.

Q.—And the other Ministers ?

A.—Sir Surendra Nath Banerjea's most important departments were Local self-Government and Medical.

Q.—I think during that period a complete new Municipal Act was passed for Calcutta ?

A.—Yes, the Calcutta Municipal Act was passed.

Q.—You regard that as a considerable achievement ?

A.—Yes ; but there were difficulties about the eternal communal question.

Q.—You regard it, at any rate, as an important piece of legislation ?

A.—Certainly.

Q.—What would you regard as the most important piece of work in your own Department, the Education Department, in those two years ?

A.—Nothing much ; it was a question of funds. I had no funds.

Q.—Still you made some progress ?

A.—Yes, I tried to make some progress with the very limited funds I had. I may say that I have laid the foundations of future development. I prepared schemes of primary education for every municipality in Bengal and for about five or six hundred Union Boards. I prepared schemes of expansion for primary education according to the old panchayati system for other areas. I have given a list of some of those schemes. Some of those schemes I took up in July and August 1922 when we thought we had funds. Then in September we were told we had no funds and we had practically to cut down all those.

Q.—Then I would be right in assuming that you obtained the sanction of Government to numerous schemes ?

A.—Yes to a number of these schemes, which others did not proceed to that state for want of funds.

Q.—And what would you say was the principle achievement of the Nawab in his Department ?

A.—Very little ; there was the same difficulty, the question of funds.

Q.—He no doubt put forward a good many schemes ?

A.—Yes.

Q.—Then, speaking generally of the three years, there was a very good record of achievement on the part of the Ministers ?

A.—There was very little actual achievement because we had not got funds to do anything.

Q.—But I mean as far as the Ministers were concerned there was considerable achievement ?

A.—So far as the Ministers themselves were concerned, they were not idle ; they tried to do things, but as they had not got funds, so far as the outside public was concerned it was difficult for the Ministers to convince the outside public that they had done tangible things, although they tried their best.

Q.—Still, speaking without any vanity of any kind, you as a Member of the Ministry could say that you had done much useful work at the end of three years ?

A.—It depends on what you mean by useful work. If you mean accomplished work I say no. If you mean the basis for future accomplishment, I say, yes.

Q.—But at any rate one piece of legislation, the Calcutta Municipal Act, was passed ?

A.—Yes.

Q.—And that entirely changed the system of local self-Government in Calcutta ?

A.—Yes.

Q.—On lines you thoroughly approve of ?

A.—If you ask my personal opinion, I do not approve of all that has been done there, but generally I approve of it.

Q.—I take it in the Bengal Government you had the habit of consultation among the Ministers ?

A.—Yes, very often. About legislation, as you are aware, under the rules, there must be a joint meeting. But even other matters not appertaining to legislation were constantly discussed and we had often joint meetings.

Q.—Would you say the principle of joint responsibility was recognised in that first Council ?

A.—Yes.

Q.—Thoroughly ?

A.—During Lord Lytton's time almost always and during Lord Ronaldshay's time very often, and during the time of both the Governors their object was to have as much joint responsibility as possible.

Q.—And the two halves of the Government met frequently and discussed matters ?

A.—Yes.

Q.—We had a good deal of evidence from other Ministers that they found difficulty in working with their staff. Will you tell us what your view was about that ?

A.—I have in my last memorandum definitely stated that I had no difficulty, and not only no difficulty but I am happy to say that I and my I. C. S. Secretaries worked together smoothly and harmoniously. When you ask about staff as a whole, sometimes I had difficulty with my Indian Educational Service officers. I had never any difficulty with my Indian Civil Service officers. I should like to explain. Constantly we discussed things, and it very often happened that I and my Secretaries did not agree. We had discussions perhaps in which we took very definite views, and views of a different character, but after the decision was arrived at, I always had loyal support from my I. C. S. Secretaries. I had to deal with four of them. But I cannot say the same thing about all of my I. E. S. officers.

Q.—How did you come into contact with the I. E. S. officers ?

A.—When I took charge my Deputy Secretary was the Director of Public Instruction. After that the Director of Public Instruction ceased to be Deputy Secretary, but being the head of the Department, the Minister had to be in close touch with him. Then in regard to the execution of different schemes and policies, every high I. E. S. officer such as the Divisional Inspector has a lot to do. There was a gentleman in charge of primary education, as a special officer, and I very often found that some I. E. S. officers quarrelled with each other and sometimes I did not get loyal support. I do not like to specify names, but generally my relations with the I. C. S. men were very happy. My relations with some of the I. E. S. men were equally happy, but with others they were not equally happy.

Q.—On the whole you worked amicably with everybody—you don't complain of that ?

A.—I think it depends very much on the Minister and the Governor. If the Minister gets the support of the Governor, then it is all right.

Q.—*Well then there is one other general point. You refer to the lack of money. Had you any complaints against the Finance Department ?*

A.—Yes, I have said that in my memorandum. My general complaint is this, that there is more of lack of understanding than any definite cussedness if I may use such an expression. The Finance Department—at least some of them—did not realise that where we had to run a Government with a non-official majority it was necessary for the Government to carry that majority with them within the limits of the limited purse it had and the more limited the purse the more difficult it was and the more anxious the attempt should be to carry the majority. It is because

the Finance Member belongs to the reserved side of the Government, and has not got to go out of office as the Chancellor of the Exchequer has to in England, much of the difficulty arises. I have explained this in my memorandum.

Q.—Will you let me point out to you that the Chancellor of the Exchequer does not himself exercise financial control. It is exercised by the permanent staff and not by the Chancellor ?

A.—Undoubtedly, but it is the policy, the mentality, that makes all the difference. The Chancellor is the head.

Q.—I suggest to you that it is very doubtful whether the Chancellor ever interferes in what I may call treasury control.

A.—He does not but I do say that if the mentality of the person having the right to control is different there will be less difficulty.

Q.—Would it be fair then to put it in this way ? You complain of departmentalism on the part of the Finance Department. They take a narrow view ?

A.—A very narrow view.

Q.—They don't realise that you have to carry the Council with you now.

A.—Yes. Apart from that they don't realise that the Legislative Council Members have to carry the country with them.

Q.—Do you think they do ?

A.—No, the Finance Department does not recognise that.

Q.—I see you say " I am one of those who firmly believe that the time is not yet for full provincial autonomy, so that it is absolutely necessary to provide for a half-way house. That half-way house must be some constitution other than dyarchy ". I take it you found dyarchy was difficult to work ?

A.—Yes, Sir. In all my three memoranda I say that. May I, in connection with that question, point out what points I have in common between the three memoranda ?

Q.—I take it the three are one document and contain no difference of opinion ?

A.—Yes. What are the principal points in common ? I have condemned dyarchy throughout. I have urged the necessity of evolving a party system, and I have maintained that without a party system democratic government cannot be run ; and I have also pointed out the difficulties of evolving a party system under the present constitution.

Q.—My point was that while condemning dyarchy you also recognise the time is not yet for full provincial autonomy ?

A.—On the present electorate, but if you have a better electorate then that is the only possible solution—provincial autonomy.

Q.—But when you say a better electorate what do you mean ? You mean we must wait till the electorate is more educated or a broader electorate ?

A.—I have explained that in my memorandum. What I mean is this. May I read that portion ?

Q.—If you refer me to it that will be sufficient ?

A.—It is in my last memorandum where I deal with the question of franchise at page 4 in my copy under the heading "Franchise"—

> "In my opinion the Indian voter at the present moment is often gullible and immature in his political opinion."

That opinion, Sir, you will find expressed in all three memoranda. These people to whom votes are given are often gullible and immature. Then I go on to say :—

> "There is nothing fundamentally wrong about his intelligence or lack of judgment."

That is my opinion. If you are going to build any form of real democratic government on the present electorate, then in my opinion the time is not yet ripe for provincial autonomy ; but I explain the remedy—may I read one or two more passages ?

Q.—Now on this point, am I right in assuming that with the present electorate you are of opinion that provincial autonomy is not possible ?

A.—If you keep to the present electorate alone then it is not possible, but even then it will be a question of taking risks. As I have pointed out, if you don't have a party system the risks of an irresponsible executive with an official majority are perhaps far greater. The opinion which I have expressed in all three memoranda is that the present electorate is immature and there will be some risk if you have democratic government with an immature electorate and more risk in perpetuation of dyarchy ; but I have also pointed out the solution.

Q.—I know your solution. Then for dyarchy you make various alternative proposals. First of all, in your first memorandum you deal with a unified government of five. In your second memorandum you put forward two alternative proposals. The first is unified government by five and the other alternative is a second chamber. That is correct ?

A.—Subject to this observation, that all those proposals are based on my idea of the limited form of reference. If you are not prepared to amend the Government of India Act, then I have made those suggestions, although I have repeatedly pointed out that I do not believe you will get anything really good unless you change the Act.

Q.—Will you tell us what you would get to if you had your way ?

A.—If I had my way, I have explained what I would do in my memorandum of the 11th October last.

Q.—That represents your view if you had a free hand ?

A.—Yes. The other memorandum represents my view under a limited reference ; but I am careful to point out that it is no solution.

Q.—You seem to recognise throughout that even if you gave a much larger share of responsibility to the local legislatures you must have a number of legislative and financial safeguards. What exactly would those be ? In your final memorandum at page 2 you say—"Subject to the limitations laid down in the constitution that may be adopted, the provinces should have full financial, legislative and administrative autonomy ....." What limitations would you propose ?

A.—Well, I have not discussed the future constitution.

Q.—I only wanted to know ?

A.—I have advisedly not gone into that because that ought to form the subject-matter of a future investigation—it is a very important

question ; but there must be some limitations. My idea generally is a system of federal government, but each province will be autonomous. The Central Government however must also have powers to discharge duties allotted to it. I have advisedly not gone into the details because that by itself is a very big thing. If the Government or the authorities in England ultimately decide on provincial autonomy, then in my opinion that question will require very careful consideration but generally there must be definite powers to the Central Government and definite powers to the Provinces ; and generally I would give a definite position to the Judiciary about the interpretation of these powers.

Q.—I know—we will come to that later. Again about the franchise you have put forward various views. First as to electoral colleges. You propose that a body of men should elect an elector. Where do you take that from ? Have you any experience of any place where it is done ?

A.—In my province I had experience of that system when the members of the Bengal Legislative Council used to return a member to the Central Legislative Council here and in certain other elections. I have also experience of the other thing. At the present moment I may say generally that I am all in favour of direct election when direct election in the true sense of the word is possible—that is to say, there is a compact electorate where the candidate can approach the electors ; but where the electorate is so big that it is impossible for the candidate to approach the electors, then I am in favour of an electoral college.

Q.—Would you say that is the case in Bengal—that the constituencies are so large that the candidate cannot get known to his constituents ?

A.—Not all—some. I will give you instances with regard to the Assembly electorates. There are constituencies of 15,000 to 20,000 square miles, and 10 lakhs to 12 lakhs of people. What happens at the present moment in such constituencies is that it is impossible for the candidate to approach their votes. It is the duty of the rival candidates to train the voters in the difficult subject of all-India problems. These very large constituencies are worse than useless ; but in a town such as Calcutta or Dacca it is quite possible and I would like to have direct electorates. But take the Burdwan Division. You will remember, Sir, that it reaches from the borders of Orissa to the northern limits of Birbhum and Bankura.

Q.—I can imagine that it is a difficult constituency for candidates. Then about communal electorates, what is your view ?

A.—My personal view is that I would like to do away with that but.....

Q.—Let me put it shortly—do you think it is within practical politics to abolish communal electorates ?

A.—Considering the views of many of my Muhammadan countrymen I have my doubts but my personal view is that it will be a good thing for India to get rid of it. But my view never has been that I have any right to force my views on the other community.

Q.—Now you have been a public man for many years, Sir Provash. I am not asking what you think is theoretically right. What I am asking you is, do you think it within practical politics to abolish communal electorates in Bengal ? Would not your Muhammadan friends resent it ?

A.—Well, some of the Muhammadan leaders have influenced their followers in such a way that it is not practical politics to-day

Q.—That is what I wanted to get at.

A.—I mean there will be more of bitterness and the national cause will be more harmed. That is my opinion.

Q.—Then there is a very interesting suggestion made by you almost at the end of your memorandum—that members of the Legislature should be required to take an oath to work the constitution. That is put forward in your memorandum in several places and you propose that there should also be a tribunal for this purpose, and that members should be unseated if they refused. That is a novel proposal—is it not ?

A.—Yes, it is.

Q.—Do you think it will work in practice ?

A.—I have great doubts, as I have myself pointed out in my memorandum ; but I think, Sir, the only country where obstruction has been successful is Ireland, and my opinion is that others who did not follow that course got self-government much sooner. But that is a different matter. I have pointed out that if possible such a thing should be done. I have also pointed out that it is a very difficult thing, and I have not myself gone into the details of it.

Q.—Take an example from practical politics. Do you think the leaders of the Swaraj Party would have any hesitation in taking such an oath ?

A.—No. I go further. If you give provincial autonomy.....

Q.—Do you think the leaders of the Swaraj Party would refuse to take oath ?

A.—Well, some of them would ; others would not.

Q.—Then you would be driven to your judicial enquiry as to whether they have broken the oath.

A.—And, of course, the difficulty comes in here—what is obstruction and what is legitimate opposition ? That is the difficulty ; but, Sir, if a particular gentleman in his election speeches says "I will obstruct". If in his Council speeches he says "I will obstruct and I will throw out every item in the Budget". That is one proposition.

Another man says "I will oppose anything which is against the interests of my country." He also may throw out the budget in the interests of his country. It may or may not be possible ; but I think myself it is a very difficult thing.

Q.—Do you suggest, then, that obstruction should be treated as a criminal offence ?

A.—Certainly not ; but what I would suggest is that just as a man who is guilty of corrupt practices is not allowed to stand, so a man who says he is out and out for obstruction should not be allowed to have a seat; but I myself realise the difficulty and I may say that I am not so much concerned with the present Swaraj Party—I am sure that if that Party had their own way in politics, as my esteemed leader Sir Surendranath Banerjea had his own way years ago, the Swaraj Party will become reconciled. But other parties will come with more extreme measures and they will not be reconciled; there will always be a party of obstruction.

Q.—Surely, if they get their own way, they will cease to obstruct ?

A.—But there will be another party later on.

Q.—I want to ask you a few questions not directly concerned with the memorandum but with the present situation in Bengal. Being in public life there you might have heard continual allegations being made of corruption in connection with the voting in the Council. I should like to have your view about that ?

A.—It is a very delicate point; I can only answer generally.

Q.—I do not ask for details; but have these allegations been made widely in Bengal or not ?

A.—Yes; they have been.

Q.—And they have been repeated in all quarters ?

A.—Yes.

Q.—Would you consider it advisable to make the corruption of an elected member a penal offence ?

A.—I will not make it a penal offence, but I would have some provision for removing that member from the Legislature.

Q.—I assume you agree with me that any widespread system of corruption of the representatives must entirely destroy any form of Government ?

A.—Undoubtedly; and I hold very strong views on that point: but I am sorry to say that both parties were guilty of that practice in the Bengal Legislative Council.

Q.—Is not that a very serious state of affairs ?

A.—Yes, it is.

Q.—Are you aware that in America and in one or two other countries, Canada for instance, to bribe an elected representative to the Legislature is a criminal offence ?

A.—Yes; I am aware that in some countries there is such a provision, but I am not quite sure in what countries; and when we get full provincial autonomy and a fair amount of power in the Central Government I will not object to having that provision in our country.

Q.—I suggest that making it a criminal offence has nothing to do with the constitution—it is an offence against the State ?

A.—My reason is this; the prosecution is always initiated by the Government and so long as the Government is not autonomous it will create more bitterness. You have seen throughout my memorandum that I lay very great stress on minimising the present unfortunate bitterness between Government and the people.

Q.—Why should it not be instituted by direction of the President ?

A.—Even then the President at the present moment is appointed by the Government.

Q.—But he will soon be an elected President ?

A.—In any case the President himself will not go and prosecute. Government machinery must be employed and so long as we have not got an autonomous provincial Government I am not in favour of utilising Government machinery.

Q.—Does it not seem to you somewhat anomalous that a man may be prosecuted and convicted for bribing an elector but cannot be prosecuted and convicted for bribing an elected representative ?

A.—I have no objection on principle; but I have already explained my objection.

Q.—Does not that apply in the case of an elector ?

A.—Yes. But in the case of the elector there is this difference—there is no political aspect. Take the Swarajist members. If a government prosecution were launched against the Swarajist members on the allegation that they have been bribing and if a similar prosecution were not launched against the ministerial members on a similar allegation, then the newspapers will howl and rightly howl and you will not be able to defend yourself.

Q.—I assume that prosecutions will be launched on the evidence and not for political reasons ; do you suggest that they will be launched for political reasons ?

A.—Human nature being what it is, I do not ignore the limitations of human nature.

Q.—It has been also stated that during the elections in Bengal there was a good deal of intimidation ?

A.—Not a good deal; so far as my information goes there was not much of intimidation; there was some amount of intimidation in a very very limited sense; I mean to say that when a man went to vote perhaps there were fifty people round the gate and they shouted; if you call that intimidation, it was there; but not actual force so far as my information goes.

Q.—You are very anxious to create political parties ? You recognise, as anybody must recognise, that parties with an organised programme are almost an essential feature of any responsible government ?

A.—Yes.

Q.—Has anything been done in your province to form those parties ?

A.—Yes; we tried in our time; but at the present moment as I have said in my memorandum there are no two parties; there is only one organised party and that is the Swarajist Party. So far as my party goes, for various reasons it has ceased to be an organised party; one reason is that we tried to work dyarchy; another is that men who ought to be moderates do not take any interest in moderate politics; they never put their hands in their pockets; they never act according to the dictates of patriotism as a moderate ought to do; and so at the present moment, to be perfectly frank, there is only one party and that is the Swarajist Party.

Q.—What do you attribute it to ? What is the binding force in that party ?

A.—The binding force in that party is hatred towards your country, and hatred towards those Indians who are prepared to co-operate with them.

Q.—That seems a very poor cement for a political party ?

A.—I do not say it is a good cement for a permanent party; but it is a good enough cement and, a powerful enough cement, for present purposes. As regards those who are cooperators, they do not understand the importance of forming a party system; those who pretend to be cooperators do not pay money to party funds and do not take any trouble to form parties.

Q.—One is driven from your statement of the case to think that the only party that can carry on the Government is the Swarajist Party ?

A.—No; my statement of the case will show that if you give full responsibility then the realities will appear on the surface. I have referred to the case of the Calcutta Corporation. Take the Indian edited newspapers—the " Amrita Bazaar Patrika " and the " Basumati " ; the same paper in one column attacks the Swaraj Party for their Corporation administration and in another column praises them to the skies for fighting against the bureaucracy and against the British for the interests of the country. As soon as we get real power then the party system will grow; the present system does not give any chance to the moderates to form a party.

Q.—You will at any rate admit that in the first three years of the Council you had a strong party ?

A.—Yes; inside the Council we were a strong party and outside we had fair strength, but that party was crumbling every day because we were cooperators.

Q.—Is it not your experience that any party in power after a time crumbles away ?

A.—Yes.

Q.—Is it not the natural effect of democratic institutions that after some years the electors want a change ?

A.—Yes; and therefore I say that if you have proper responsible Government you will have another party coming into power. If you give provincial autonomy, the Swarajist may come into power now; but there will be a swing of the pendulum and another party will come into power. Under the present system you have an irremovable executive remaining in power and that adds to the bitterness of the situation.

Q.—I cannot quite follow that; if in the first three years of the Council you had an irremovable Executive, you still had your powerful party; I suggest that what has happened since then is that there has been the constitutional difficulty that you have a party which has succeeded in the elections but will not take office. Is not that the true state of affairs ? You had the swing of the pendulum; but as a normal result of that swing, unless the majority assume office, you fail in the constitutional position. This could not happen in England, is not that so ?

A.—Quite so; but what is the reason ? Why did not they accept office ? Because they say that we have no power.

Q.—That may be; I am not concerned with the reasons; I suppose you will admit that you cannot work any constitution without a certain amount of goodwill; but if you are determined not to work it it will not work ?

A.—Quite right.

(*Maharaja of Burdwan*).—*Q.*—I wish to ask you whether it is or it is not a fact, in connection with the miserable condition of the Moderate Party, that the so-called Swarajist Party in Bengal commands unlimited resources of funds at the present moment which it is impossible for any party at the present moment to make any headway in Bengal ? Is not that a fact ?

A.—That is partially true, but is not the whole fact ; the Moderate Party ought to have within its fold men who command unlimited resources : but the difference between the Swarajist members and the moderate members is that the Swarajists are patriotic enough to understand what they ought to do, while many moderates with money are not patriotic enough to understand what they ought to do ; that is the difference.

Q.—In other words, is it not a fact that, whether the moderate politicians have got any cash or not, their patriotism at the present moment is not of that stamp which appeals to the public at large ?

A.—That is so.

Sir Muhammad Shafi.—*Q.*—Confining ourselves to the first three years during which you occupied office as Minister, I want to put one or two questions; there were no Swarajists in the Legislative Council during that period ?

A.—No, not open Swarajists.

Q.—The party now known by the name of Swarajists did not come into the Council then ?

A.—Not as Swarajists; but, if I may explain, some members of the present Legislative Council who now belong to the Swaraj group were also in the old Legislative Council; but at that time they did not call themselves Swarajists; they were in opposition.

Q.—Let me put it to you in a different way: the Congress Party boycotted the first Legislative Council ?

A.—Yes.

Q.—The members who entered the Legislative Council at that time belonged to that political school in India who were willing to work the reforms ?

A.—Yes.

Q.—Also you have told us in reply to the questions put to you by the Chairman that, in so far as the first three years were concerned, there was joint deliberation between the Ministers ?

A.—Very often. I beg your pardon, no. There is one point I want to make clear. There never was any formal joint deliberation between the Ministers. But the Ministers used to talk to each other and they were in touch with each other. There were never any formal joint deliberations on the transferred side of the Government. But there were constant joint deliberations between both sides of the Government, and the Ministers kept themselves in touch with each other's work and there were often differences between the Ministers too.

Q.—Well, at any rate, during that first period, you had two sympathetic Governors. You had a spirit of mutual co-operation between the Members of the local Government and you had a Legislative Council prepared to work the Reform. In spite of that, you say that dyarchy failed?

A.—Yes Sir.

Q.—Now, apart from the absence of the party-system and financial stringency, can you give us definite reasons, can you give us any other reason why under these conditions dyarchy failed ?

A.—Because very soon I found out that the conception is so difficult in actual work. I always looked to my majority in the Legislative Council and my colleague on the reserved side looked to his instructions or to his ideas or to what the Secretary of State or the Government of India would think, and naturally we were a divided house. Well, as both sides were very often willing to have give and take, we came to some compromise often, but it was unsatisfactory throughout, from the point of view of both sides.

Q.—Then, I suppose you are familiar with the Report of the Joint Select Committee ?

A.—Yes Sir, I have read it.

Q.—In one part of their Report regarding the relations between the Ministers and the Governor, this is what they say:—

> "It will also be for him (meaning the Governor) to help with sympathy and encourage the popular side of the Government in their new responsibilities. He should never hesitate to point out to Ministers what he thinks is the right course or to warn them if he thinks they are taking the wrong course, but, if, after hearing all the arguments, Ministers should decide not to adopt his advice, then in the opinion of the Committee the Governor should ordinarily allow Ministers to have their way, fixing responsibility upon them, even if it may subsequently be necessary for him to veto any particular piece of legislation."

Now, what I would like to know is this. During the first three years, after the introduction of the Reform Scheme, when you were Minister, did the Governors of Bengal, in relation to the Ministers, observe this recommendation of the Joint Select Committee ?

A.—No, not in that form. Because we never had any meeting of the Ministers. We never had any meeting of the Ministers jointly with the Governor presiding. The difficulty about joint responsibility in Bengal was this.

Q.—No, no. My question does not relate to this joint responsibility. It relates to the relation between the Governor and a Minister—not the joint responsibility of all Ministers. In this recommendation, what the Joint Select Committee say is this, that, even if the Governor were in relation to any particular proposal of the Minister to differ with him, he should try to convince him that he is wrong but if, in spite of that effort, the Minister stands unconvinced and insists upon carrying out the measure, then the Governor should give way, leaving the responsibility upon the shoulders of the Minister.

A.—I understand that, Sir. But, as I understand that quotation, it contemplates—it makes use of the word "Ministers" in the plural and that contemplates the Ministers and the Governor acting together. But I now understand your question was intended for matters between the Governor and a single Minister, if the Governor finds that a particular opinion is held by the Minister, he should give way ultimately. Well, I believe, Sir, one such occasion arose and the Governor gave way.

Q.—The Governor gave way. So that in their attitude towards the Ministers your Governors during first three years observed the spirit of that recommendation ?

A.—Yes. Sir.

Q.—Then, if the Governor's attitude towards the Ministers was this, what exactly were the difficulties, apart from financial stringency, which you met with in working the transferred Departments successfully ?

A.—Sir, that quotation refers only to subjects on the Ministerial side. The difficulties arise where the Government as a whole act. The man in the street, the voter, the public, the newspaper, then do not finely discriminate between this half of the Government and that half; they criticise you on the action of the Government, and they perhaps would criticise you on

the action of your District Magistrate, on the action of your Superintendent of Police, etc.

(Mr. Chairman).—*Q.*—Then your point would be that the man in the street does not separate the Government—the Government is one and indivisible, in spite of the fact of the transferred side ?

A.—Quite so.

Q.—Then, you tell us that one of the reasons for the failure of dyarchy was that in the existing conditions you cannot have parties in the sense in which that word is used in Europe ?

A.—Yes.

Q.—Well, one of the reasons according to you for this failure is the existence of communal electorates. In your second memorandum, after giving six reasons, you go on to say :—

> " The only real party we have in the Legislative Council is the Swaraj Party."

A.—Yes.

Q.—And then you go on to say lower down :—

> " Some of the Hindus and Muhammadans, as also the Europeans, who attempt to oppose the organised Swaraj Party, have not tried to come to any common understanding as to their respective communal questions as the Swaraj Party has done with regard to the Hindus and Muhammadans in their Party."

Now, roughly, how many Muhammadans are there in the Swaraj Party in the Bengal Legislative Council ?

A.—Well, I don't quite remember. Perhaps there may be about 12 to 15.

Q.—Roughly, about 15. Out of ?

A.—Out of 40. No, in the Nationalist Party also there are a few. There are three parties now. The Ministerial Party, the Swaraj Party, and the Nationalist Party. In the Nationalist Party also there are a few Muhammadans. In the Ministerial Party, there will be about 16 or 17 Muhammadans out of 40.

Q.—So that by coming to an understanding with a certain number of Muhammadans who are Members of the Legislative Council, the Swarajists have actually come to organise a powerful party in your Legislative Council ?

A.—Yes.

Q.—The fact that the 12 or 15 Muhammadans who had joined the Swaraj Party were elected through separate communal electorates has not prevented the formation of a Swaraj Party consisting of Hindus and Muhammadans ?

A.—No, it has not, because the Hindus of the Swaraj Party have there agreed to 80 percent. of appointments being given to Muhammadans, although my opinion is that they do not do not want to carry it out. It is camouflage, pure and simple.

Q.—That may be so. Now, may I ask what efforts had you, my Hindu brethren, who call themselves Moderates in the Bengal Legislative Council, made in order to come to an understanding with the Muhammadans in order to have a unified counter party ?

A.—So far as I am concerned, Sir, during the last three years of my Ministry no Muhammadan had any grouse against me, although some reactionary Muhammadans tried to start such an opposition. As regards the Party, I have already told you, Sir, the Party does not exist to-day. When the Party existed in my time, our idea was this—that a Hindu in power ought to be just to a Muhammadan, and a Muhammadan in power ought to be just to a Hindu, and, acting on that golden principle, we could carry every Muhammadan that counted with us.

Q.—I am afraid these pious wishes, that a Muhammadan in power should be just to Hindus and a Hindu in power should be just to Muhammadans, do not take us very far. My question was quite different. My question was this. During the three years that you were in power, what efforts did you actually make in order to come to an understanding with the Muhammadans so that the Liberal Party or the Moderate Party may have within it the majority of the Hindus and Muhammadans of Bengal ?

A.—Sir, we have no faith in pretence or camouflage. These are not pious wishes. Both Hindus and Muhammadans did it. My old friend, the late Nawab Shamshul Huda, was always just to Hindus and many Hindus in power were just to Muhammadans. So, acting on this golden principle, we succeeded in getting a good Muhammadan following. Whereas, if we pretended to give 80 per cent. of appointments and when it actually came to giving these appointments, we did not give 20 per cent. then we would be found out. That is mere pretence and camouflage.

Q.—You yourself in your memorandum, in that passage which I have just read out to you, say that the Hindus and Europeans of the other parties have made no efforts to come to an understanding with the Muhammadans ?

A.—Quite. That refers to the present Council. You are asking about the existing Council. In the old Council we did come to an understanding and we were successful. In the existing Council nobody has tried to come to an understanding. I am not a Leader of the present Council. I was a Leader in the old Council. I did come to an understanding successfully. In the present Council instead of coming to an understanding, the attempt rather has been to set up Muhammadans against Hindus and Hindus against Muhammadans of the Ministerial Party. There are, for instance, a number of Hindu landholder Members who were anxious to support the Ministers. But the Muhammadan Members of the Ministerial Party were set upon to go against the interests of the landlords deliberately —go against their interests without any reason, Sir, so that, instead of more cohesion, there was more of difference.

Q.—I see. Well, now, during the first three years, your Party was in power, what efforts did your Party during those three years make to organise the Party ? While the Swaraj Party were making every effort to organise themselves with a view to the next elections, what organised efforts did your Party make in order to strengthen the Moderate Party ?

A.—Does that Party refer to the organisation inside the Council or outside ?

Q.—I am talking of the country.

A.—Those few of us who believed in our politics, we paid liberally to our organisation. We spent a good deal of our time but unfortunately those whom I have described as pretenders in one of my speeches they stood in the way. When it came to paying money, they would pay money to the Swaraj funds. Others would not pay either to this fund or that

and the Swarajists had this advantage over us, that they had a common bond of hatred. Ours was a more difficult politics and we had not money and we had not men. That was the truth of the situation.

Q.—So that in spite of the favourable opportunities that you had you were in power.....

A.—The party of power in a diarchy is in the worst possible position. Do not call that favourable, Sir.

Q.—I want to ask you one or two questions with regard to separate electorates. I agree with you myself that proportional representation through mixed electorates is to be preferred to separate communal electorates but under the existing conditions do you think that is a practical proposition ?

A.—I have already answered that question.

Q.—Not as definitely as I would like you to.

A.—My opinion is that in all matters relating to your community I would give the prior position to your community. After all that is your affair and if we want to get on together we must come to an understanding. If your community feels strongly about that I would not press for it and the solution which I have suggested, although it is not a very satisfactory solution, is a united cabinet. Suppose my Muhammadan colleague has 40 Muhammadans and I have 60 Hindus, if it be a united Cabinet, then I will try to meet my Muhammadan colleague and my Muhammadan colleague will also try to meet me. That is a limited solution, I admit, but if your community would not agree to a general electorate, this is the only possible solution.

Q.—Your point is this, that unless there is a joint Hindu-Muhammadan Cabinet with joint-responsibility, things would not work smoothly ?

A.—Yes.

Q.—If there is a purely Hindu Cabinet or if there is a purely Muhammadan Cabinet, then it would not work under existing conditions ?

A.—Yes. My point is, there may be Hindus and Muhammadans in the Cabinet but the responsibility must be joint responsibility. What happened in our Government during our time about the Calcutta Municipal Bill was this. My esteemed colleague, the Nawab Sahib, and my friend, Sir Surendranath Banerjea openly began to canvas against each other. That is the kind of thing we should not have. If it comes to that, one or the other must resign.

Q.—You would have joint responsibility and you would have a unitary government and you would at the same time have bicameral legislature, that is an Upper House and a Lower House ?

A.—Yes. But I would give votes to people who are fit to exercise the votes. There is no other way of doing it except by limiting the number of voters in the uni-cameral house. I do not think that is practical politics.

Q.—Let me now come to your proposal with regard to the oath of allegiance, that a member will honestly work the constitution when he comes into the Legislative Council. The object of making that proposal is to keep out the wreckers. Does not that in effect mean that while during the first three years the wreckers or the Congress men boycotted the Councils, you would now have the Councils boycotting these people ?

A.—That is not my object.

Q.—It will in effect mean that ?

A.—No. Let me explain. You ought to have a constitution which is accepted by the majority of Indians. That is my opinion and that is what I have all along fought for. If you have such a constitution then the Swarajists would not boycott your Council but I have no delusions in the matters. There are others who are outside the Swarajist ranks to-day who are more extreme than the Swarajists and will again try to obstruct inside the Council. From the point of view of the future peaceful political evolution of India, if such a thing were possible, it would be a good thing but I myself realise the difficulties and I have pointed out the difficulties in both of my memoranda and so my whole object in bringing to your notice is that you, gentlemen, who are dealing with this matter may give more thought to this subject. I never put it forward as a definite thing and it is not meant against the present day Swarajists because I am at one with them in asking for provincial autonomy but it would be a good thing if in future you can have such a provision. But I realise the difficulties of having such a provision.

Q.—You know there is a strong and well organised party in the Legislative Assembly ?

A.—I would welcome them. Then I can attack them. If they are there on their own merits, if they have got to carry on the administration, let them do so. If they cannot, I can attack them on definite issues. To-day I cannot attack them. They can attack us.

Q.—I have not yet completed my question. With regard to two of the measures brought forward by Government, that is to say, the Steel Protection Bill and the Separation of Railway Finance, instead of wrecking the schemes the Swaraj Party in the Legislative Assembly, after they had obtained certain amendments, agreed to these two reforms being carried out ?

A.—I read about it in the papers. I am a mere provincial. I have no intimate knowledge of all-India politics.

Q.—Do you consider that by keeping out those whom you may possibly consider wreckers.....

A.—If I have not made myself very clear I am sorry. I have no objection to anybody suggesting anything outside the Council. I have no objection even to the wrecker being inside the Council but my objection is to using the machinery of the Legislature for purposes of obstruction. I realise the difficulties but I say it will be a good thing if you can do it. I do not want to keep out the Swarajists but I do say that the Swarajists or Moderates or Loyalists should not use the machinery of the Legislature for purposes of obstruction.

Q.—One of your proposals in your second memorandum is that provincial subjects should not ordinarily be subject to legislation by Central Legislature. You say that the restrictions as to the previous sanction of the Governor-General should be done away with. Don't you think that in order to prevent provincial legislatures from in any way interfering with Central subjects by means of legislation, it is necessary that Bills proposed to be introduced in provincial legislative councils should be submitted to the Central Government to be examined lest they in any way trespass on any of the Central subjects ?

A.—I have given my solution to that. My opinion is this, that the constitution should definitely provide as to what is a Central subject and what is a Provincial subject. If you make the Central Government judges in its own cause that is not fair. In every federal constitution the

judiciary have the power and when you have provincial autonomy I would have the judiciary deal it. To empower the Government of India is making a party judge in its own cause but hwever that is not a very important point.

Q.—During your own experience of three years, when you were Minister, do you consider that the Government of India, in regard to Bills that you wanted to introduce in the Legislative Council under the provisions you mentioned, interfered with your actions ?

A.—No occasion arose in my time but I lay it down more as a matter of general principle.

Maharaja of Burdwan.—You have given us three memoranda. The first, I take it, was given through the Government of Bengal when you were still Minister ?

A.—No. Long after that. You will find that if you refer to the date. I sent the first on the 16th June 1924.

Q.—The memorandum of June came through the Government of Bengal and the July one came direct ?

A.—The June one was in answer to the letter of the Chief Secretary to the Government of Bengal. The July one was in answer to the letter of Mr. Tonkinson.

Q.—The second one was addressed to the Secretary of the Reforms Enquiry Committee and the first one was in response to the circular letter of the Chief Secretary of the Government of Bengal ?

A.—Yes.

Q.—Your last one dated October is on the assumption that the Reforms Enquiry Committee has the power to go into the larger issues ?

A.—Yes. I saw in the papers that they have been going into the larger issues. I thought it right that I should express my opinion on them.

Q.—You just now said in reply to the Chairman that your achievements as Minister were not very great in view of the financial stringency in your province ?

A.—Yes.

Q.—It is rather a delicate subject for me to tread upon as you and I were colleagues for most of the time on the two different halves of Government but apart from financial stringency, if I recollect aright, you had a general grouse against the Finance Department for not only turning down the schemes produced by the Department of Education. But, when we had to consider the *plus* and *minus* for next year's budget if you wanted funds for schemes that had not been worked out they were turned down and they were not in the budget ?

A.—I do not quite follow that.

Q.—Supposing scheme A. had been put in the Budget and has been voted upon by the Legislative Council, but it was not possible for you to go ahead with it during the year and then when you and the Finance Department met together in this year to consider the budget for next year and you wanted to proceed during the second half of the year with another scheme, say D., instead of A., you very often found it difficult to get your say because that scheme was not in the original Budget ? Am I right ?

A.—That sometimes happened.

Q.—Am I right in presuming that that did happen ?

A.—Yes, sometimes.

Q.—Do you think that in cases of that nature if the Finance Department had had a little more elasticity of thought and allowed you to utilise say Rs. 50,000 that you had for scheme A for scheme D, your achievements would have been more marked than they were in spite of the financial stringency ?

A.—Slightly more marked, but the financial stringency was so great that nothing very definite could have been done. Undoubtedly it would have been better.

Q.—In other words, that was one of the grievances of all the Ministers, and members too, with regard to the Finance Department that they were very obstructive with regard to schemes that had not appeared in the original Budget ?

A.—That is so ; and apart from that it often did happen that they would not examine those schemes, not out of any ulterior motive, but because they followed a system, which made their work very heavy and they had not time. The system which they often followed was this. They invited all Departments to put in any number of schemes irrespective of the money available. Latterly that was the system which they were following. It naturally led to heavy work. On the other hand, in the earlier period, the Finance Department gave us a rough idea that they might be able to spare 5 or 10 lakhs and asked that schemes within that limit might be sent to them. Naturally they had less work and they were able to go through it. The Finance Department said that we could not put in that scheme.

Q.—I am very glad that you have mentioned the word system. Is it not a fact that because for that system as it prevailed in the latter portion of your tenure of office as a Minister, it handicapped you in so far as not being able to produce before the Legislative Council other schemes than those in the original Budget ?

A.—To some extent it handicapped me ; but as I have explained the financial condition was such that even if there was no handicap I could not have achieved much. That is point No. 1. Point No. 2 is this. My real objection is against the fact that the Finance Member has not got to go out of office with me. That I have put down at least in a dozen files.

Q.—I am not so much concerned with the Finance Member not having to go out of office, because he is on the reserved side. What I want to get at is this. Is it not a fact, Sir Provash, that in actual practice although I would not like to use the word laziness but because the Finance Department went round a particular groove that they were not inclined to examine such schemes which, if they had had the inclination, they could have examined and could have given you and your colleagues facilities to introduce in a supplementary Budget ?

A.—It would have made some little difference.

Q.—Do you think that such a change in the Finance Department, apart from the financial stringency, is desirable ?

A.—It is more a question of administration and not a question of rules.

Q.—Certain *ex*-Ministers of other provinces have made it one of their chief complaints against the Finance Department and have brought this fact to the notice of the Committee. What I want to ask you from

your personal experience in Bengal is as to whether you think that if the Finance Department's present system was changed, if they were able to examine schemes which they had not examined when the original Budget was presented, that would help Ministers with regard to other schemes which had been crystallised ?

A.—Yes, it would be some little help.

Q.—Would you, as a Minister, have welcomed that if that system had existed ?

A.—Yes.

Q.—I hope you will excuse me for mentioning a particular reform especially when the chief actor on the stage of that reform is no longer amongst us. But can you tell me that even when your party was so strong in the last Legislative Council, why was it that your programme for University reform was a failure ?

A.—The reason was the well-meaning intereference of His Excellency the Governor of Bengal. He meant to help me and he came in as Chancellor. I told him, " Sir, you have no right to come in as Governor, because the majority of the Legislative Council is at my back." But he put it to me very nicely. He said " I am also the Chancellor and won't you like me to help you ? " I said " Yes, certainly." His well-meaning efforts to help me meant that what I could have otherwise done I could not do. There was a long delay. The result of the long delay was that we could not get the formal sanction of the Government of India in time and so the Bill could not be introduced. If he had left it to me, I could have settled with the leader of the Party, Sir Ashutosh Mukherjee. Or, if I could not settle with him, I could have carried the Bill with my majority in the Legislative Council. Since you put that question, this is the answer. You know it very well, Sir.

Q.—I know the case very well. I do not want to go into the details. My real object in asking this question was this, that in this matter of the policy of a particular Minister, did you find your Governor obstructing you constitutionally under the Government of India Act or as Chancellor of the Calcutta University ?

A.—Let me explain. He was not obstructing me as Governor. He was trying to help me as Chancellor, but his well-meaning attempts to help me really placed me in the greatest possible difficulty. He and I were of one mind. We both wanted the reform. His well-meaning attempts frustrated his object and frustrated my object.

Q.—From the constitutional point of view was your Chancellor of the Calcutta University fully justified in the action that he took with regard to you as the Rector on the one hand and as Minister in charge of Education in Bengal on the other ?

A.—I was not Rector.

Q.—Very well, then as Minister of Education in Bengal. Don't you agree with me that a great deal of this confusion arose out of the fact that your Governor could not separate himself from the dual position that he was himself in as head of the Executive in Bengal on the one hand and as Chancellor of the Calcutta University on the other ?

A.—If I may explain, there arose no constitutional position. At one time I apprehended that a constitutional position would arise and I told the Governor plainly " I am a Minister, the Legislative Council is at my back : you ought not to interfere as Governor." He said " But I am also

your Chancellor, and won't you allow me to help you in a friendly way ?" I said "Yes, certainly." I am not quoting the actual language of either of us. I am giving the gist of the conversation. It was that friendly help which frustrated his object and mine. It meant endless delay. So, no constitutional question arose.

Q.—What was the reason then that several private Bills, which went really further than your own ideas of reform, had to be withdrawn ?

A.—The private Bills had already been sanctioned by the Government of India. First of all our Bill at that time was delayed, because we lost about 5 or 6 months in negotiations with Sir Ashutosh Mukherjee. Then when we ultimately sent it up, we could not obtain the Government of India sanction till our Legislative Session was over, and as there were points of difference between those private Bills and our Bill, we induced the members in charge of those private Bills to withdraw. There would have been a great deal of confusion. . . . .

(*Mr. Chairman*).—*Q.*—What does this lead to ?

(*Maharaja of Burdwan*).—I am coming to that in a minute. It is leading to this question as to whether or not it is a fact that your position as a Minister was a good deal jeopordised, because you allowed these private Bills to be withdrawn and members were more opposed to the then constitution of the Calcutta University than the Government of Bengal. Was that not a fact ?

A.—My position as a Minister was not jeopordised, because they all belonged to my Party.

Q.—Did it not give a set back to your Party or your influence as a Minister ?

A.—Nothing happened during the remaining few months of my office.

Q.—But was it not one of the facts which led to the dismemberment of your Party ?

A.—In the election ?

Q.—Yes.

A.—I do not think so.

Q.—Now, Sir Muhammad Shafi mentioned to you in connection with the communal question and the Chairman also said that one of the achievements of the last Ministry was the Calcutta Municipal Act. What I have just been driving at has a bearing on this question too. Is it not a fact that when two of your colleagues openly fell out with each other over this communal question in the Calcutta Municipal Act, that that was a real set back to your Party ?

A.—Yes, within the Legislative Council.

Q.—I mean within the Legislative Council and not in the elections outside ?

A.—Yes.

Q.—I mean to say with regard to your Muhammadan members who had followed you blindly up to that time ?

A.—But so far as I am concerned, I could retain the allegiance of the Hindus and the Muhammadans. It was a set back to the Ministry.

Q.—What I mean to say when you consider the Ministry as a whole was it not a fact that that rift in the lute over the Calcutta Municipal Act

on the question of communal representation was a real set back to your Party ?

A.—Yes, undoubtedly.

Q.—That being so, do you think that although the Government of India Act or the Report of the Joint Committee do not openly say anything about a meeting of your side of the Government jointly, a joint meeting of the transferred side would be of any real use ?

A.—I am distinctly of opinion that there ought to be a joint meeting, and therefore I am insisting on joint responsibility. But if in our time we had a joint meeting of the Ministerial side. . . . .

Q.—I am talking of the Ministerial side ?

A.—I am also talking of the Ministerial side. If there be joint responsibility, then and then alone a joint meeting will be helpful. If there be no joint responsibility, then there will not be much sense in a joint meeting, because each Minister understands that he is out for himself.

Q.—But on the whole would you not be inclined to agree with me that during the term of office of yourself and your two colleagues, none of you made a public scene as some of the *ex*-Ministers of another Province did in this hall by showing that the Ministers were practically at each other's throats all the time ; that is to say in Bengal during the three years that you were Minister, although you did not have joint deliberations, although each Minister naturally had to consider the policy of his own department, on the whole you had between you a mutual understanding which helped you to keep your party together ?

A.—Yes, our personal relations were good and we always tried to come to an understanding with each other, but I always felt the need of joint responsibility and that it would have been very much better if there was joint responsibility.

Q.—In other words supposing in a matter relating to the Medical Department, if it had been decided by the Governor with his Ministers instead of with a Minister, the position of the Ministerial side would have been stronger ?

A.—Yes. Joint responsibility would have been better, but my idea is that there ought to be one Minister occupying the position of a Chief Minister, and the Governor should keep strictly to the position of a constitutional Governor.

Q.—Then as regards the achievements of the Ministers, if we were to visualize your achievements and compare them with those of the two Ministers who have been given the conge by the Bengal Legislative Council not so very long ago, would you find very much difference between them ?

A.—Yes, there is some. I remove many grievances, for example the grievance of the Subordinate Educational Service.

Q.—That is a departmental detail, I mean to say from the point of view of legislation, from the point of view of your achievement before the Legislative Council as a whole ?

A.—The Legislative Council has got the power of the purse, and if I can induce the Legislative Council to do something, there is some achievement. I passed a small Primary Education Bill into an Act ; that is a very small thing, giving powers to village unions, and things of that kind. That is one piece of legislation. Then I removed many grievances of officers.

Q.—I do not want to go into all these details. What I mean is, your achievements were the same as those of the Ministers who followed in your footsteps ?

A.—No, they were in a very much better position. In my last years of office I had put through schemes to the extent of 12 lakhs.

Q.—You do not admit that your achievements were of the same nature as those of the late Ministers ? In other words you did achieve something more than the late Ministers. All that they achieved was that they lost their billets ?

A.—May I explain ? I started with a deficit of 2 crores 50 lakhs, but I expanded by 15 to 20 lakhs in spite of the deficit. When I left there were schemes ready to the extent of 12 to 13 lakhs and the closing balance was 1,20 lakhs, but even with regard to the schemes which were accepted by the Government I did not find them in the next Budget as a private Member.

Q.—You seem to be at one with the Swaraj Party regarding provincial autonomy ?

A.—Not exactly with the Swaraj Party, with my Party.

Q.—I thought you said in regard to something Sir Muhammad Shafi put to you that, so far as provincial autonomy was concerned, there was no difference of opinion between you and the Swaraj Party ?

A.—Not that. Their object and mine are the same, but they want provincial autonomy on a different line and I want it on a different line. Perhaps they would tell you they would widen the franchise. I ask for a bicameral provincial system.

(*Sir Muhammad Shafi*).—*Q.*—The object is the same ; the methods are different ?

A.—Yes, the ultimate object is the same ; I want provincial autonomy, so do they.

Q.—As regards provincial autonomy I do not want to go into the large question because we would be sitting here the whole of next year if we discussed provincial autonomy for India at the present moment. What I want to ask you is this. As you know in Bengal there are practically three main Departments which are now administered by what is known as the reserved side. They are Law and Order, the Judicial and the Land Revenue ?

A.—Yes.

Q.—Whether you like the system of dyarchy or not, excepting these three main subjects (of course there is Finance which relates to both Departments), all the others are what are known as transferred subjects. Now I believe when you were a member of what was known as the Rowlatt Committee, there was produced before you evidence of a highly confidential nature regarding the political situation in Bengal, and I believe you will agree with me that at the present moment the political situation in Bengal—I do not mean the political situation on platforms, but the revolutionary situation is no better ?

A.—I have no inside knowledge now, but so far as I can see it strikes me that the revolutionaries are active.

Q.—That being so, if you had provincial autonomy to-morrow in Bengal, would you have a unified form of Government, or would you, even

in Bengal, have to have two different systems ? In other words would you make law and order transferred ?

A.—Certainly. That is an additional reason why I am so keen about transferring law and order and having complete provincial autonomy ? Let me explain ; I have said on page 9 of my memorandum :—" I see all round me signs of disruption of society and negation of peaceful evolution. I find in most of the Provinces in India a Government divided in counsel,—a Government that have almost ceased to function and a Government without a policy."

(*Mr. Chairman*).—*Q.*—What province do you find that in ?

A.—If you ask me, in every province. Take Lala Harkishen Lal's evidence ; take other Ministers in other provinces, were not those Governments Governments of divided counsels. I shall put the question to any member of any Government.

(*Mr Chairman*).—*Q.*—You have to answer questions, not to put them ?

A.—I know that. I can put the question here. My point is this, that if the Executive is irremovable and if the Executive have to carry a non-official majority with them, it will always mean a weakening of the Executive. My experience of the last three years shows that the Executive is afraid of the non-official majority. The policy which a member thinks is right for the Government to take, for the country to take, he hesitates because he knows that he will not be supported by the non-official majority. On the other hand, if you had responsible Government, then the Member of the Government won't fear his own following, and therefore he can afford to be strong ; and that is not merely our experience in India, that has been the experience in every colony. When you had an irremovable Executive and a non-official majority, the Government was weak and vacillating and as soon as that was changed, the Government became stronger.

Q.—But I am not talking of an irremovable Executive, what I am talking of is this. To take a concrete instance, when you had all this trouble at Tarakeswar, when you had a large body of volunteers sent out for the purpose of *satyagraha*, do you think, if law and order had been a transferred subject, with that intimidation, your forces of law and order would have held together as they held together when they knew that they had a powerful Executive behind them and to protect their Services ?

A.—Sir, did it hold together at Tarakeswar, where the Government had not the courage to put the Receiver of a British Court of Justice in actual possession ? A British Court of Justice appointed a Receiver and the Government had not the courage to put that man in possession. I call that the negation of law and order.

(*Dr. Paranjpye*).—*Q.*—Is that what you referred to on page 9 ?

A.—Yes.

(*Sir Sivaswami Aiyer*).—*Q.*—What do you call a British Court of Justice ?

A.—The District Judge holding office under British Government appointed a Receiver. The Receiver did not get actual possession and what is the reason ? I am not blaming anybody, the real reason is that the Government is afraid of the non-official majority in the Legislative Council, the criticism of non-official members, and the public.

(*Mr. Chairman*).—*Q.*—I think we must have this clear. Do I understand you to state before this Committee that the Government of Bengal refused to carry out a decree in a court of justice through fear of the majority in the Legislative Council ?

A.—That is my inference, but my statement of fact is this, that a British Court of Justice appointed a gentleman as a Receiver and that gentleman was not put into effective possession of the property. That is my statement of fact.

(*Mr. Chairman*).—*Q.*—Then am I to understand that you make the further deduction that the majority in the Legislative Council are opposed to law and order ?

A.—No.

(*Mr. Chairman*).—*Q.*—Then why should the Government of Bengal be afraid of them ?

A.—Because the Government of Bengal knew that if it took strong action it would be criticised. May I explain ? My only statement of fact is that a British Court of Justice appointed a Receiver and that Receiver was not put into effective possession, and I call that a negation of law and order. He was put into theoretical possession but not in practical possession.

(*Mr. Chairman*).—*Q.*—And you deduce from that that owing to the fear of criticism in the Legislature. . . .

A.—And also the newspapers.

(*Mr. Chairman*).—*Q.*—You said the Legislative Council, owing to fear and criticism in the Legislative Council, the Government were afraid of making that possession effective ?

A.—That is my deduction.

(*Mr. Chairman*).—*Q.*—Do you make the further deduction that the majority in the Legislative Council in Bengal are opposed to law and order ?

A.—No.

(*Mr. Chairman*).—*Q.*—Why not ?

A.—I will make this deduction, that so long as the Government is irremovable, anything the Government will do, the majority of the Legislative Council will oppose. That is my deduction ; that is my experience. In my time in things appertaining to the reserved departments, the same members who opposed them, did not oppose us in things appertaining to the transferred departments.

(*Mr. Chairman*).—*Q.*—You deduce from that that the Legislative Council should be abolished ? Is that your further deduction ?

A.—That may be one deduction. That may be one way of meeting it, but there are other ways of meeting it.

Q.—I thank you for the very illuminating view you have expressed about law and order, and I should now like to go on to the next department, Judicial. You understand that I am asking your opinion on these three Departments. The next Department I want your opinion about is the Judicial. In a particular case in which revolutionaries were involved recently in Calcutta, certain members of the Judicial Service, including the whole jury, were intimated ?

A.—Yes, I have heard that.

Q.—Do you think if the Judicial Department became a transferred subject—do you think it would be good for the morale of that Service to be intimidated ?

A.—With great respect I consider that absolutely irrelevant to the question. My opinion is that if you have a member in charge of the Judicial Department removable by the Legislative Council, then that man will have courage. A man however courageous he may be to-day has not got the courage to act fearlessly as he has not public backing.

(*Mr. Chairman*).—*Q.*—I would like to have that made clear. Your argument is that if the Minister is removable and if he is subject to the vote of the majority in the Council he is likely to be more firm, he is likely to take a firmer line, than an irremovable official ?

A.—That is my opinion, and that opinion is based on this. The Minister in charge can only be in charge if he has a majority in the Legislative Council and he is sure of his own position and therefore he will have that courage.

Q.—Well now, the Department that is left is Land Revenue. I believe, Sir Provash, like myself you have a stake in the Province of Bengal with regard to the land. That being so, do you think that if land revenue were made a transferred subject to-morrow the landlords would be sufficiently protected with regard to what has now come to be known as their vested right in the permanent settlement ?

A.—Well, I think so, and I say so from actual experience, during the last 10 years, the landlords have had very short shrift from Government but at any rate the result of the administrative laws of the last 10 years has been that the landlords are practically a ruined body in Bengal.

(*Mr. Chairman*).—*Q.*—You look a very healthy ruin ?

A.—You will find it there, not here. The average income of a landlord in Bengal is only Rs. 22 a year. He has to collect about 60 per cent. by law suits.

(*Mr. Chairman*).—*Q.*—Very well, we will take your view, Sir Provash, that they are a ruined body ?

Q.—What I was driving at is this. You understand that so far as Bengal is concerned, you have what is known as the permanent settlement. Take the province of my friend Sir Sivaswamy Aiyer where you have the ryotwari system. Supposing land revenue was a transferred subject and you got a body of men there in a strong party to introduce permanent settlement in that tract, which would be detrimental to the income and revenue of the province, as permanent settlement is detrimental in another sense to the income and revenue of the province of Bengal. As you know, there is a large body of official opinion which is against the permanent settlement which you and I will always fight for, whether on sentimental grounds or not. What I mean to say is this that if you once transfer land revenue it does not matter whether from the point of view of permanent settlement on the one hand, or the riotwari settlement on the other, you throw that system to be either maintained or absolutely done away with at the mercy of the Legislature, and I take it that you are prepared to take the risk with regard to the permanent settlement in Bengal being annulled after it became a transferred subject ?

A.—There is absolutely no risk, if you understand the problem properly, because getting rid of the permanent settlement means instead of the total rent roll of ryots in Bengal being 12½ crores it will be much more

and the Swarajists will never do it. It will mean that the poorer middle-classes interest in land will disappear and the Swarajists will never do it. It will mean that the income of many poor people from land will disappear and the Swarajists will never do it.

Q.—What I want to get at is that from your point of view as a landlord possessing land in the permanently settled tracts of Bengal you do not consider that there is any danger whatsoever of interference with the permanent settlement if land revenue were made a transferred subject to-morrow ?

A.—That is my opinion.

Dr. Paranjpye.—*Q.*—You said, Sir Provash, that you had joint consultations. Will you kindly explain to us the exact nature of these joint consultations ? Were you shown all the papers throughout the various cases with regard to the reserved departments ?

A.—Well, in matters where we had joint consultation nothing was kept back from us. What I mean is this that if we had joint consultation the agenda was circulated and certain papers were circulated. So far as I am aware the same papers were circulated to Ministers as to Members, and whenever I asked for any further papers no papers were ever refused me.

Q.—You said you had no joint consultation between Ministers ?

A.—Not any formal joint consultation.

Q.—You consulted each other privately ?

A.—Yes, privately. Sometimes we consulted the Governor informally ; but we never had formal joint consultations.

Q.—You had differences among yourselves, I suppose, as we were told happened in other places ?

A.—Sometimes, as I have explained—specially with regard to the Calcutta Municipal Bill.

Q.—Do you think this state of things is exactly what was contemplated by the Government of India Act and the Joint Parliamentary Report ?

A.—No, it was not contemplated, but the difficulty arose in our province when we had to consider very carefully from the very beginning when Ministers were appointed without being consulted about their colleagues and when there was no joint responsibility and specially about our Muhammadan colleague, and I and my other Hindu colleague had to agree to this system. We tried in the beginning but we thought it was better and more conducive to good relations not to attempt joint responsibility where there were differences.

Q.—May I ask whether you yourself had a standing majority of your own followers ?

A.—Yes, I had.

Q.—Those followers included some followers of the other Ministers, so that the Ministers jointly had a majority, or did each Minister have a majority to himself ?

A.—It is rather a difficult question to answer. First of all the Ministers jointly had a majority because they agreed, and I think individual Ministers also had a good following.

Q.—Do you depend upon the nominated officials in order to carry any of your proposals ?

A.—I could do without them but I have always had their vote. The permanent opposition was 20 to 22 out of a house of 139 ; and even with regard to some of them I could get them to vote for me. In the beginning the permanent opposition was 50. From January 1921 to March 1921 the permanent opposition was about 50. Then we brought that opposition down to 20 or 22.

Q.—You said your relations with the Secretaries were very cordial. I am very glad to hear that. So were mine. But may I ask whether you know that the Secretaries are allowed to take any cases independently to the Governor ?

A.—I know ; every week they did so.

Q.—Did he tell you what cases he was going to take ?

A.—Oh yes ; always beforehand and after coming back he used to tell me. As I have stated in my memorandum I do not at any rate know of any occasion where he carried anything over my head to the Governor. He always used to tell me anything of importance that was discussed with the Governor ; and very often to save time I would say " Take this case as well." He never kept back anything of importance from me.

Q.—He did not take any case behind your back ?

A.—No, not to my knowledge. And as I have said I see less objection in the case of a Member than in the case of a Minister.

Q.—And you told us your relations with the I. E. S. were not always quite happy ?

A.—Yes, but nothing much ; you must always have these things.

Q.—Was it due to the fact that they considered they were experts and you only an outsider ?

A.—May be. It was perhaps due to other reasons.

Q.—That they did not wish to work the reforms properly ?

A.—It was a mixture of so many things. In any case, I do not lay much stress on that and therefore I have not mentioned it in my note. Their relations with the Secretaries were also not always very cordial, so I do not make anything of it.

(*Sir Muhammad Shafi*).—*Q.*—The appointment and control of the All-India Services operating in the transferred field is at present in the hands of the Secretary of State ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—And not in the hands of the Minister in charge of the department ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Don't you think it is human nature that under those circumstances officers appointed by an outside authority would not be amenable to discipline to the same extent as they would be if they were appointed by the Local Government ?

A.—Undoubtedly.

(*Mr. Chairman*).—*Q.*—Those circumstances are equally true in regard to the I. C. S. with whom I understand your relations were admirable. Therefore nothing can be adduced from that ?

A.—As a matter of general principle I accept Sir Muhammad Shafi's view but I had fortunately no trouble on that score, because, as I have said, I had the support of the Governors.

Q.—Had you any difficulty due to the fact that members of the services could appeal over your head to the Governor ?

A.—Not very often because we had no money to spend. If we had had money then the occasion might have arisen more frequently. As a matter of fact, there were very few occasions of that sort.

Q.—Then you speak a good deal about the Finance Department. Did you find that the Finance Department went in too great detail into various schemes you suggested ?

A.—Yes, they wasted the time both of their own officers and of the officers of my Department in this way. I very often found that the Indian head assistant of the Finance Department was the master of the situation and so long as I did not personally take it up to the Finance Member and his note stood.

(*Mr. Chairman*).—*Q.*—It is rather a reflection on the Secretaries of the Department ?

A.—No, I do not reflect on them because they are so hard-worked.

Q.—You suggest the creation of a separate Purse ?

A.—No, you will see from my memorandum that I am against that but if you confine me to dyarchy, then as Hobson's choice, I suggest a separate purse.

Q.—Supposing we confine ourselves strictly to the scope of our reference, you suggest there should be a separate purse. How would you make that separate purse ?

A.—I may tell you roughly my idea. When we started we found a certain sum allotted to the reserved side and a certain sum allotted to the transferred side. That was the Budget prepared for us beforehand. Now if we could get two-thirds of all additional resources then I think we could manage fairly well. Roughly it was about 35 per cent. and 65 per cent. I am speaking from memory. In January 1921, about 65 per cent. was the Budget on the reserved side and 35 per cent. on the transferred side. Now if you could reverse that and have 66 per cent. and 34 per cent. then we could gradually go on expanding. But as I have said, I am opposed to that.

Q.—The idea in the minds of some of us was that a separate purse meant that the income from your Department should be your income and the expenditure of your Department your expenditure ?

A.—No, that is not my idea. My idea was.....

Q.—That all the income should be pooled together and a certain percentage given to you ?

A.—In the beginning by the Act or under Parliamentary rules. That was my idea.

Q.—You were not in charge of the Excise Department ?

A.—No.

Q.—What was the attitude of the Legislative Councillors towards this Department ?

A.—Rather critical, but when the Minister explained to them that without money you could not proceed they made angry speeches but they were not serious. They realised that without money they could not get on.

Q.—Well, about your Bengal Council it has been occasionally alleged that during the last 3 years your Council took interest only in urban

matters and that they did not take much interest in rural matters. Do you think there is any ground for that ?

A.—Absolutely none. They took a good deal of interest in rural matters such as the supply of drinking water in villages, primary education, etc.

Q.—You do not think there is much ground ?

A.—Absolutely none ; in fact the majority of members came from rural areas.

Q.—The most important piece of legislation referred to Calcutta ?

A.—That was because on account of this unfortunate communal difference we could not agree over the Moffusil Municipalities Bill and the Local Self-Government Bill.

Q.—You suggest electoral colleges ; did you take that idea from Lord Morley's first memorandum upon Indian Reforms ?

A.—No ; I have not based it from any books—I base it on my own actual experience, the fundamental point being that the elector should be educated and should take an interest ; where it is possible for the elector to take an interest and for the candidate to educate the elector I always prefer direct election ; but where that is not possible I suggest electoral colleges.

Q.—Would you suggest for the Provincial Legislative Councils any increase in the number of members ?

A.—I have not gone into the matter very carefully, but my general idea is this : where you have a very large electorate, unless you increase the number of seats you cannot reduce the size of the electorate ; and my idea about the electorate for the lower house is that although at the present moment they are gullible and easily led yet there is nothing wrong about them. I have suggested a more limited electorate for the upper house side by side with the existing electorate or even a widened electorate.

Q.—The population in Bengal is 46 millions ?

A.—Yes ; about 10 millions of them are such breadwinners and we are concerned with them.

Q.—But after all the breadwinners will be proportionately distributed over the population. Taking it in the light of population, would you on an average give a member to about 2 lakhs of people ?

A.—I have not considered it from that point of view ; but I can tell you my general opinion that the population varies in Bengal ; in some districts it is very thick and even in sub-divisions of the same district and in other districts it is much thinner.

Q.—Would you make up your electorates by area or by population ?

A.—You must make it upon both ; you cannot ignore the one or the other ; where the population is thick within a limited area you get a large electorate and where the population is thin the difficulties of travelling are very great, you get a smaller electorate numerically.

Q.—But you agree that each vote must have the same value ?

A.—Theoretically yes ; but in practice should not the object be to get the best possible representatives ?

Q.—Certainly ; but each vote must have the same value ?

A.—Theoretically, undoubtedly yes ; but I have not considered the question in important matters of detail.

Q.—You insist upon the necessity of a party system, and I want to ask you a few questions about what you call your party in Bengal. Had you regular meetings of your party ?

A.—We had first of all two party associations and we often had meetings of our party.

Q.—And there you settled the line of policy about the agenda of the Legislative Council ?

A.—We started like that but soon gave it up because of communal difficulties and then we were reduced to having party meetings of members of the Legislative Council ; we had to give up our general party meetings. We used to have meetings of our party members in the Legislative Council ; in the beginning the opposition consisted of about fifty members ; we told them that if they wanted to oppose anything we would discuss it with them beforehand ; we welcomed them to our party meetings and told them " if you agree, we shall agree with you ; but if we can not agree after discussion we shall carry it in spite of your opposition."

Q.—I want to put it to you that according to the Joint Parliamentary Committee and the Montagu-Chelmsford Report Ministers are not supposed to oppose members of the Executive Council by vote in the Legislative Council ?

A.—Yes.

Q.—Supposing at your party meeting a question arose as to the attitude to be taken up by non-official members of your party upon a subject dealing with the reserved department, were you able to give them suitable advice ?

A.—Yes ; and very often ; but it is there that one of the difficulties of dyarchy comes in. I often did give advice, but perhaps there were some members of the Legislative Council who wanted to please some member on the Executive side and differences came in inside our party.

Q.—Suppose in the Executive Council you had opposed a particular measure relating to the reserved department, what advice would you be able to give to the party ?

A.—I gave such advice as I considered suitable on each occasion ; if I found the question of vital importance I told him " If you ask my advice, I would advice you to oppose Government," and I made my position perfectly clear to the Governor that in that particular matter I was going to advise my followers to oppose ; I made my position perfectly to the Governor. On vital matters I gave that advice, but where matters were not vital, I left it to them.

Q.—At any rate, you think that this separation of reserved and transferred departments militates to a very great extent against the formation of parties ?

A.—Very greatly ; because that cuts at the very root of the thing.

Q.—Because you could not give out any confidential information you might have got at private Cabinet meetings ?

A.—One of the difficulties is that you have got to be loyal to your colleagues ; you have got to be loyal to your chief and you have got to be loyal to your party and that is an impossible position.

Q.—You made an interesting suggestion about certain legal safeguards against obstruction. Who is to move in the matter ?

A.—I have said that any member may move, but I have also said that I myself realise the difficulties of it ; therefore do not take me too seriously ; I want each one of you to consider it seriously. I have suggested an electorate of all the High Court Judges, two-thirds to be Indian High Court Judges, to stop frivolous applications ; I suggested that the member moving should deposit a certain sum. But I realise the difficulties and therefore I am not pressing it, beyond bringing the idea to your notice.

Q.—In answer to the Chairman you suggested certain safeguards against corruption in the Legislative Council. I suppose you understand that corruption can take various forms—by means of direct money payment, by appointments or by administrative measures ?

A.—In our council it was openly done during the last few months ; the same Ministry was offered to two different gentlemen by a very responsible person and that done very openly.

Q.—Do you think that corruption—other than by money—can be proved ?

A.—It depends on what kind of legislation you have.

Q.—You are a distinguished lawyer ; can you enlighten us on this point ?

A.—I am not a good draftsman ; I have not attempted anything of that sort.

Q.—Will this prosecution for corruption rest entirely with the Government or will you allow a private member to initiate it ?

A.—I think as a matter of principle it should lie with the Government.

Q.—That would mean that none of the Government men will be prosecuted ?

A.—That is why I have said that I would like to have a measure like that when you have provincial autonomy.

Q.—You will remember that formerly in the House of Commons all election petitions used to be considered by the House of Commons itself and the majority always carried its way—the candidate of the majority was never guilty of corruption and the candidate of the minority was always guilty of corruption. Don't you think that this sort of thing will happen if Government only were allowed to initiate prosecutions ?

A.—That is a matter which has got to be considered ; but the other point is that if you allow any and every member to prosecute then legislative work will become extremely difficult. You have to remember that the question was put to me for the first time here. I would like some means of purging our public life of these possibilities.

(*Mr. Chairman*).—*Q.*—You would chose the lesser evil of the two ?

A.—Yes ; but how to do it is a matter which requires consideration. I am all in favour of doing something that is possible.

Q.—Regarding the Liberal Party you appeared to say that simply because the Liberal Party was co-operating with the Government therefore that fact itself militated against their being able to organise ?

A.—That fact gave a tremendous handle to our opponents ; they said in their speeches " Well, you liberals were in power and you are in power ; you are responsible for the salt tax ; you are responsible for the war with Turkey ; you are responsible for all the ills on earth."

Q.—And as the Swarajists declared that they would not take office they could make any bid for popular favour without realising their responsibilities ?

A.—Yes, and the fact that some of our principal moderates were in office also made it difficult for them to take part in some public questions—such as matters relating to law and order and matters relating to a colleague's department.

Q.—Did you go in for any touring in your constituency ?

A.—Yes.

Q.—Were you asked any questions about these reserved matters ?

A.—Sometimes ; but I used to be very reticent ; I was not at all reticent about my portfolio ; but about anybody else's portfolio, reserved or transferred, I was very reticent.

Q.—And you were in a very uncomfortbale position because you could not use your information about these points ?

A.—Yes.

Q.—You suggest the creation of an Upper House ; will you kindly explain the nature of the House you propose ?

A.—My idea is, as I have referred to the Danish Constitution,—there they have co-ordinate powers over the Budget and about other matters they have revising powers and so on. My central idea is that the franchise for the lower house having been given to people who are potentially fit but on account of their illiteracy at present and also because they have never exercised that franchise, just at the present moment they are not very fit. But if you have a more limited constituency, you will get a fitter class of voters for the upper house. I do not want a House like the present Council of State, but a compromise between the very limited constituency of the Council of State and the present too wide constituency of the Legislative Council. I want to have a far more extensive constituency than the Council of State.

A.—No, I want a more extensive constituency than the Council of State. I want a fairly extensive constituency but not so extensive as the present constituency for the local Council.

Q.—I suppose you contemplate that there may be differences of opinion and deadlocks between these two Houses ?

A.—Oh yes, I do contemplate that.

Q.—How will you get over them ?

A.—Oh, they will come to a solution and the constitution should also provide for it.

Q.—Do you contemplate making one of the Houses ultimately supreme. The House of Lords, for instance, at present have revising powers ?

A.—As I have explained, I am not speaking of the House of Lords or the Council of State. I have not gone into the details. My general idea is this. I will give the final power to one or other of the House on certain questions. But I have not gone into these things here. That by itself is a very important matter which will require very serious consideration.

Q.—But you don't consider a body like a Council of Elder Statesmen desirable at all ?

A.—No, I don't consider that desirable. The Upper House also would be a democratic House, but.....

Q.—What is your opinion about a Public Services Commission for making new appointments ?

A.—My opinion is that the Legislature ought not to be able to exercise any pressure on the Ministers. I have no faith in patronage. Even from the point of view keeping the party together, I am of the opinion that it is the worst possible thing.

Q.—That this patronage should, as far as possible, be done away with ?

A.—I may tell you in my experience I never exercised any patronage for party purposes and I think I was better off for that reason. Those of my colleagues who did exercise patronage for such purpose could only give one appointment to a man and the remaining 19 or more friends of candidates would be discontented.

Q.—Now, the Maharaja Sahib asked you about the question of land revenue ?

A.—Yes.

Q.—Well, do you think that it is possible for a Government to have its powers about the land systems altogether removed from its purview ?

A.—I don't quite follow.

Q.—The Maharaja Sahib appeared to hint that the power of interferring with the permanent settlement in Bengal or the Ryotwari system in Madras should be entirely removed from the purview of our Indian legislative powers, that they should be a part of the written constitution.

A.—Well, that is a very difficult question. But, if the written constitution guarantees certain things and if this be one of the things guaranteed, I don't see why it cannot be done.

Q.—Do you think it is desirable.

A.—Well, as regards the permanent settlement, certainly it is desirable, not because of the landlords only but because it will mean the upsetting of society in Bengal.

Q.—To that extent your Councils will not be supreme in Bengal—if that power is taken away from them ?

A.—To that extent it will be part of the constitution and then the Council won't have that power, but as I said in answer to the Maharaja Bahadur because the ryots are vitally interested and the educated middle classes are vitally interested, I am not very apprehensive.

Q.—I see. Now, if you will look at your third memorandum page 2, you make some suggestions about the Government of India. You suggest that there should be 9 Members. Out of them 2|3rds should be Indians—and three may be officials. That obviously means that the three should be Europeans—that the official Members of the Viceroy's Executive Council should only be Europeans ?

A.—Not necessarily. Let me see. No, I never said they should be Europeans. I said 9 Members ; out of the 9, 3 should be officials, not necessarily Europeans.

Q.—Then you contemplate some European non-official as a Member ?

Sir Henry Moncrieff Smith.—Or some Indian official.

A.—It may be. As you have seen in the annexed paper, my simple idea is this. If we go on as we both British and Indian have been going on in the past, then Dominion status will be an impossibility. Therefore, I contemplate real unity however distant the vision may be.

Q.—You suggest an age limit for Members of the Legislative Assembly ?

A.—Yes, I think that would be a good thing. These are not vital suggestions.

Q.—I see : and that the salaries of the members of the Government of India and the Council under Secretaries should, in the transition period, be fixed by statutory rules and also in the Provincial Councils ?

A.—I am very strongly of this opinion. My reason is this. Fix the salary at any sum you like. But it is extremely humiliating for members of the Government to go about fixing the actual amount of the salary or discussing the amount. Let me explain. In England you have got your traditions that the salary for such and such an office is so much. That is quite all right. But here, as the Legislative members are new to their office, A. thinks that the salary for this post should be Rs. 10,000, B. thinks it ought to be 15,000, C. thinks it should be 20,000 and so on. I don't want to take away one iota of power from the Legislative Council with regard to dismissal.

Q.—Well you understand, of course that such a vote of censure or, in any other way you would allow the Council to express an opinion against the Ministers or the Members.

A.—That is my idea.

Q.—Well, you understand, of course that such a vote of censure would mean a vote of censure against the whole Government and not against a particular Minister.

A.—When I ask for joint responsibility I certainly understand that. But at the present moment that is not the position, so far as individuals are concerned.

Q.—I think you said that you had not initiated any legislation in your Department while you were in office ?

A.—Excepting one minor legislation about the extension of certain powers to village unions regarding primary education.

Q.—And in the subjects in your Departments were there any legislative proposals emanating from non-official members during your term of office ?

A.—Yes, both from non-official members and from me as member of the Government. University legislation and the Secondary Bill : These legislations only came up to the stage of preparation and so far as the non-official members are concerned, they got the sanction of the Government of India. We also got the sanction of our Government at a very late stage with regard to one of the Bills.

Q.—Which Bill was that, could you tell me ?

A.—There were the University Bills—one by Mr. Mullick and the other by Mr. Basu.

Q.—You say, in connection with the University Bill, that the sanction from the Central authority was delayed ?

A.—I don't blame the Central authority for that. I blame ourselves for that, because we delayed in sending it. That is, His Excellency the Governor, as Chancellor, wanted to come to settlement and it took about 5 or 6 months to come to that settlement.

Q.—You had not very much experience then of the Central control of Provincial Legislation ?—no personal experience in your Department ?

A.—Excepting that those Bills came up and I have no complaint about that.

Q.—Do you know of any of your colleagues on either side of the Government having grounds for complaint with regard to the dilatoriness of the Government of India in communicating sanction ?

A.—No, I did not hear anything definite. I remember about the Calcutta Municipal Bill—that was not in my Department—something came up and there was some suggestion of a complaint but afterwards I heard that that complaint was not well founded but I cannot give any details, not being in my Department.

Q.—I think your attention has already been invited, Sir Provash, to your third memorandum in which you say on the second page " subject to the limitations laid down in the constitution that may be adopted, the provinces shall have full legislative autonomy ". Your experience is at all events, that, so far as there is control at present, it has not been what might be called a difficulty or a defect in the present constitution ?

A.—Well, my experience would not be of much assistance—because I have not much experience of such things. Such things did not occur in my time.

Q.—You had three years' experience and if there had been any case of that difficulty you would have heard of it, even if it did not concern your Department ?

A.—That is so, but I am here referring to the future. I mean subject to the limitations that may be laid down in the future constitution. What I mean is this. I am not here attacking the administration under the present constitution or saying that the administration of the present constitution and the powers that we have have been unfairly exercised.

Q.—I realise that you are not attacking the administration, but are you attacking the present constitution in so far as it provides legislative control ?

A.—In a sense " no ", in a sense " yes ". I will explain. I am asking for a different kind of constitution. A real provincial autonomy. Here you have not got that. And things which will find a place in a real provincial autonomy do not find a place here.

Q.—I think you were asked by the Chairman what you really mean by " subject to the limitations laid down or to be laid down ". If I understood you rightly, you suggested a clear division between Central and Provincial subjects. Do you think that would be easy—a clear-cut division ?

A.—I do not think it will be easy. It is a very difficult question and therefore I am rather chary about committing myself, except in a general way. If you have a properly drawn up constitution you will know what subjects are Central subjects and you will know what subjects are Provincial subjects, and you will also know whether the Central Government ought to have a voice. But beyond that I should not like to commit myself.

Q.—But to get a clear-cut division would not be easy ; would it ? You are familiar, I presume, with the Devolution Rules, the list of subjects, Central and Provincial ?

A.—More or less.

Q.—Don't you think that, if you are to get a clear-cut division between Central and Provincial subjects, you will have to extend those lists to an enormous extent ? You would have to split every subject up because, you will agree I think, subjects are bound to overlap if the lists are at all limited ?

A.—Yes.

Q.—You are not prepared to make any definite suggestions with regard to section 80 A (3) of the Government of India Act ?

A.—No, because what I contemplate is drafting another Act and therefore I am not making any suggestions.

Q.—You realise that many, at all events, of the portions of section 80 A (3) which provide for control are not entirely new ?

A.—Quite.

Q.—The Act of 1915 was only a consolidating Act. There was section 79 which also provided for it ?

A.—Yes.

Q.—You would not abolish the previous sanction of the Governor General altogether, would you ?

A.—That depends on the nature of the subject. Under the Act of 1915 you had one kind of constitution. There all authority emanated from the Secretary of State. Under the Act of 1919 under section 19 A. you contemplate the Secretary of State shedding some of his authority and the Provincial Legislatures and the Ministers getting some of them. It will depend on your future constitution more or less. If in the future constitution you contemplate that certain things which you describe as Provincial subjects and will be the sole affair of the provinces, provided other provinces are not affected, provided the Central Government is not affected, then I would not ask for the sanction of the Governor General but where any question arises between two provinces then either the sanction of the Governor General or of some judiciary must be obtained. Where there is a conflict between the provincial interests and the Central interests then the sanction of the Governor General or of some judiciary must be provided for.

Q.—Would you require sanction in the case of a Bill affecting any Central subject ?

A.—Certainly.

Q.—Do you realise that it is very difficult, almost impossible to draft any Bill of any importance which does not affect a Central subject, unless you cut down the number of Central subjects very considerably ?

A.—It is very difficult and therefore I say that the attention of the future draftsman of the Government of India Act should be very carefully directed to the enumeration of subjects, their definitions and so on. In other constitutions, in the Colonies and in the United States of America you have that system, the federal system. On whatever lines you proceed, that will have to be settled first by the Government responsible for the new Act.

Q.—Turning to the control of the Finance Department over the Ministers, you do not regard the difficulties you mention here as inherent in the system of dyarchy ?

A.—I do.

Q.—What I mean is did not your colleagues on the reserved side complain just as bitterly as you did in regard to the control of the Finance Department ?

A.—Not to the same extent. I know that every department complains against the Finance Department.

Q.—Provincial or Central, everybody complains ?

A.—Yes. My real point is, as I have mentioned more than once, if the Finance Member has got to go out of office with me, then we shall understand each other. If I were Finance Member my control will be far more severe but perhaps in other directions.

Q.—On this subject of going out of office together which you mentioned, you suggest that a certain proportion should be Indians of the cabinet and non-officials and some some should be permanent officials and that they should go out of office on an adverse vote of the Council. Don't you think it might lead to difficulties. You take your Province. You have not got an unlimited number of members of the I. C. S. who are fit for office as Ministers or members whatever you may call them ?

A.—It is likely to lead to difficulties but the question is one of what risk you will take. My idea is this. According to my opinion it is very desirable that the permanent Civil Service who aspire to be members of Cabinets should understand Indian politics.

Q.—That is another matter. My point is that you will not have an unlimietd field of recruitment if you had a Council which is irresponsible, as some people at present call the Bengal Council. One official member after another will have to go out and you have to stop somewhere ?

A.—There will be some provisions like the transferred departments temporary administration rules. If it comes to that you must have some such provisions.

Q.—Do you think that there has been any education of the electorate since the introduction of the reforms ?

A.—A fair amount but it might have been more.

(*Sir Muhammad Shafi.*)—*Q.*—Has it been done more by the Swarajists or the Liberals or by both to the same extent ?

A.—It is not so much a party question. It depends on the energies of particular candidates. I have all along held to the opinion that the franchise was wider than it should have been. In fact when Sir John Kerr who was then Chief Secretary was dealing with this matter, I discussed the matter with him and told him that you were making the franchise too wide. His reply was " You cannot have it both ways. You cannot have democracy and at the same time a limited franchise " My reply was " Look at the history of your own country. The franchise is too wide for a beginning ".

Q.—I gather that in several places in your notes you deplore the tendency of political grouping to follow communal lines ?

A.—Yes.

Q.—Do you think that if you limit the electorate or enlarge it or introduce a bicameral system in all the provinces the grouping will follow different lines ?

A.—These suggestions have nothing to do with the question of grouping along communal lines. These suggestions about bicameral system and about limiting the constituency have reference to both the communities. They are not relevent to the question of communal interests.

Q.—You refer to the present deplorable tendency to form communal parties. You suggest to the Committee that if the electorate is limited or if you introduce the bicameral system that will have no effect whatever on political grouping ?

A.—On communal political grouping.

Q.—On the formation of parties ?

A.—It would have a good effect on the formation of parties but I thought that question was directed, perhaps I was under a misapprehension, to communal political grouping.

Q.—You say that political parties were communal parties so far as....

A.—I do not go so far. I say that there is a distinct tendency for communal questions affecting political questions. That is my opinion. Communal questions have an important bearing on the formation of clear-cut political parties. That is my opinion.

Q.—You think that is not as it should be ?

A.—I think that that question should be settled by negotiation. That is one of our principal difficulties, as you all know.

Q.—Have you no remedy for it ?

A.—I have suggested joint responsibility in answer to one of your colleagues. If I have 60 Hindus and my Muhammadan colleague has got 40, if we understand that we have to go out together, we shall bring our forces together and try to come to an understanding.

(Sir Muhammad Shafi.)—*Q.*—The Committee will now adjourn and we shall begin at 3 o'clock ?

The Committee re-assembled after Lunch at 3 p.m. with the Honourable Sir Alexander Muddiman in the Chair.

Sir Sivaswamy Aiyer.—*Q.*—In your memorandum you complain about the electorate and make certain sugestions as regards the size of the electorates. You speak of electorates being too unwieldy. What is the size of an average electorate in Bengal ?

A.—I have suggested more about the Legislative Assembly. I will give you the figures if you will give me a minute.

Q.—At page 3 of your green book, you say that the area is too large and so on. What is your idea of unwieldiness ?

A.—At page 5, Sir, you will find this : "For example, in Bengal the Presidency Division consisting of 6 districts and comprising an area of 17 thousand square miles with a population of about 10 lakhs ; the Burdwan Division consisting of 6 districts, population about 8 lakhs ; the Dacca Division consisting of 4 districts, comprising an area of about 15 thousand square miles, population about 12 lakhs."

Q.—But the area and the population bear no necessary proportion to the size of the electorate, an electorate may be very much smaller. What will be the average size of the electorate itself, the number of electors ?

A.—That depends on facilities of communication, density of population. It is very difficult to give an average.

Q.—Unwieldiness depends on both factors, the area of the electorate and the number of voters.

A.—I think three points are to be taken into consideration, area, facilities of communication and the number of voters.

Q.—What, in your opinion, would be a convenient area ?

A.—It is very difficult to say that. For example, where there is railway communication or good roads, I would fix upon one area ; where communication is merely by boats and the population very sparse, there

I would have another area. Instead of trying to arrival at an average area, perhaps it will be much beter to fix the electorate after taking these three factors into consideration.

Q.—As a matter of fact, I may tell you that the electorates are far larger in Madras.

A.—That may be so.

Q.—You suggest by way of a remedy electoral colleges or indirect election.

A.—Not everywhere. In those places where it is not possible for the candidates and voters to get into real touch, there I suggest electoral colleges.

Q.—Would it be possible to work two systems side by side, one a system of indirect election and another a system of direct election ?

A.—I think, Sir, it will be possible.

Q.—Will it be possible and will it be desirable ?

A.—In my opinion it will be both possible and desirable, or else I would have said that. I will explain. Take Calcutta. There you have a compact area. You have got a large population. The electors can be addressed by the member or candidate. He can issue his literature and so on. But take the Presidency Division, where the area is 17,000 square miles, 6 districts with a population of about 10 lakhs. Take certain portions of the Presidency Division, the Sunderban area, where it is very difficult.....

(*Mr. Chairman*).—*Q.*—Are there many electors in the Sunderban area ?

A.—No. The northern and western portions of Sunderban area are well populated. Diamond Harbour, Basirhat, etc.

(*Mr. Chairman*).—*Q.*—Not the actual Sunderban division ?

A.—No.

Q.—Will it not be anomalous and will it not cause a sense of discontent, if some electors are given direct votes in the choice of their representatives while others can only do so indirectly ?

A.—No. That would be so on paper and in mere logic.

Q.—You do not think anybody will complain ?

A.—Whatever you do, people will complain. I am complaining of this. But we should try to aim at the best possible results. It will be conducive to better results.

Q.—Would it not be a better remedy to increase the number of elective seats than cutting up the whole area into smaller divisions ?

A.—Here I was speaking about the Legislative Assembly at the bottom of page 5. That would no doubt be a better remedy. Perhaps in that case you would require 1000 members to the Legislative Assembly. It is a question of choice of evils. As regards Legislative Councils, I have not suggested electoral colleges for the Lower House. In the Upper House, you must have, ordinarily you should have, a smaller number of members.

Q.—In page 9 of your memorandum you speak of signs of disruption of society. What are the signs of disruption that you have noticed ? Is it the anarchical and revolutionary movement ?

A.—Not merely that. I am not so much afraid of the revolutionary movement, but I am really afraid of the far more subtle movement, the movement of non-co-operation, and when I find the non-co-operator on one side, people whom we ordinarily call non-co-operators non-co-operating with Government and when on the other side I find men in power, members or Ministers, non-co-operating with men who have influence over a large section of the public, I call that a bad sign. As I have explained in page 9, " What British India is to-day—with all her good and bad aspects—is due to these two fundamental factors which existed in a large measure in the past. Good relation and proper understanding is the real basis of every co-operation." I find that basis of co-operation is ceasing more and more. People who have influence over a large section of the public are not listened to by Government. I am not questioning their politics. The advice of Members of the Government is not listened to by people, who have large influence over the public. That is one factor. Another factor I have mentioned. " I find in most of the provinces in India a Government divided in counsel." I suppose the evidence of some of the Ministers that most of us have read in newspaper gives us a good idea that Government under the present Act is a Government divided in counsel ; and there are other signs too. For example, Law and Order, about which we hear so much. But what do you find in actual experience ? The Police is as unpopular as ever and perhaps more unpopular.

Q.—Do you think that public opinion is not sufficiently formed ?

A.—I do not at all mean that. What I mean is that if you have responsible government, then Government would not be afraid of striking hard, if necessary.

Q.—They will have moral strength ?

A.—So long as you have no responsible government, Government will always be afraid. Every Government in every country has been afraid of elected majority without responsibility.

Q.—The Chairman put you a question whether the majority of the members of the Council were against Law and Order and you said ' No '. You said that the Government were afraid to face criticism in the Legislative Council, and therefore unwilling to take strong measures for the preservation of law and order.

A.—Perhaps that is not the right way of putting my views. I might have said something which has given you that impression. I am blaming both parties, and above all I blame the system. I do not blame individuals. Critics of the Government are trying to do their best, Government is trying to do its best. It is the system which is leading on to this result, and may I read, Sir, to you a passage from a very well-known author which sums up far more admirably than I can ever hope to do.

" For the system of representative government is essentially unstable. It inevitably involves a state of conflict between the Executive and the Legislature as is indeed seen to-day in all countries in which the full system of a Parliamentary Executive is not accepted as part of the Constitution. The Legislature, partly elected and partly nominated, found itself unable to enforce its wishes on officials who did not owe their appointment to the Colonial Legislature who in many cases were not connected in any way save by their public appointments with the colony and who could not expect to earn the approval of the Home

Government for anything save action conceived in the interests of the United Kingdom, ..."

(*Mr. Chairman*).—*Q.*—You have said that you do not think that the deduction was the correct one, namely, that the majority of the Legislative Council in Bengal—I am asking you about Bengal only—are not prepared to support Government if it becomes necessary to use strong measures ?

A.—No.

(*Mr. Chairman*).—*Q.*—You think they are ?

A.—No. So long as this system continues, the majority will be a permanent opposition. That is my point.

(*Mr. Chairman*).—*Q.*—We will take your point a bit further. You grant this that the citizens in Bengal and the juries are eager and anxious to carry out their duties to their utmost. Are there no signs of fear on the part of juries ?

A.—Not in ordinary cases ; but in cases connected with so-called political crimes my answer is an emphatic ' No '.

(*Mr. Chairman*).—*Q.*—What do you base it on ?

A.—I base that ultimately on the fact that the Government is irremovable.

(*Mr. Chairman*).—*Q.*—When you say political cases, do you mean murders ?

A.—I include everything, murder, dacoity, bomb and everything, which has a political object.

(*Mr Chairman*).—*Q.*—Then I do not think they are political cases ?

A.—I would like to explain. If a murder is committed for the furtherance of a real or supposed political object, it does not cease to be a murder. It is as reprehensible, whatever the object may be. One can understand in a loose way of classification if a murder is committed.....

(*Mr. Chairman*).—*Q.*—Am I correct in supposing that the Bengal Jury will do its duty in the case of a murder of a Baniya, but it will not do its duy in the case of a murder of a policeman ? Is that your point ?

A.—No, that is not my point. My point is that if a Bengal Juror is intimidated, as I understand and believe to be the case, he, like juries in other parts of the country, will find it difficult to do his duty.

(*Mr. Chairman*).—Then you say that the Bengal citizen, after all he is the elector, mind you, is not prepared, or rather is not willing to carry out his duties in certain classes of crimes ?

A.—I do not say that. What I do say is that under the present system, it changes the mentality of some of them in such a way.

(*Mr. Chairman*).—*Q.*—I cannot see your point that under the present system the Jury have anything whatever to do with the constitution. All I want to get from you is not what the reasons are, but whether it is or it is not a fact that Bengal Juries will not do their duty in certain cases, in your opinion.

A.—I would not go so far, they merely suffer from ordinary human limitations.

(*Mr. Chairman*).—*Q.*—Then it is a fact that they do their duty on all occasions ?

A.—They do their duty in all cases unless they are intimidated.

(*Mr. Chairman*).—*Q.*—Is intimidation coming in ?

A.—In certain classes of cases.

Q.—Under the present system the majority, you say, would not give sufficient support to the Government, because it is the desire of every opposition to go against the Government. But if you have responsible government and if one party could turn out the other and assume the responsibility of Government, don't you think that it will have a sobering influence upon the Government ?

A.—That is my opinion.

Q.—With regard to these tendencies to lawlessness what do you think really is the root cause of these disruptive tendencies ?

A.—If I am to explain, it will take a long time, but I am quite willing.

Q.—I will put the question shortly. Is the cause political or economical ?

A.—Both. The background is mainly economical, but the actual overt acts are more less perverted politics.

Q.—If for instance the people who agitated for political reforms and so on, got what they wanted, and if responsible government were introduced, do you think it would have a bearing upon the causes of this unrest ? Would it tend to stop these anarchical or revolutionary movements ?

A.—To a certain extent yes, but supposing political autonomy were given to the provinces of India, it would not immediately mean that the revolutionaries would pack up, but they will lose the public sympathy on which they bank a good deal.

Q.—Dou you think the people who join these revolutionary movements from economic motives will be able to command any sympathy if the political cause were removed ?

A.—As I have said, those who have actually become revolutionaries, I do not think they will give up their movement, but as regards future recruits, as regards atmosphere, it will be a better atmosphere and it will be more difficult for them to get recruits.

Q.—Do you think these revolutionaries will command any public sympathy ?

A.—They will command less sympathy.

(*Sir Muhammad Shafi*).—*Q.*—I understand you to say that the unwillingness of the Bengal Jury to convict in these particular cases is due to the terrorism or intimidation exercised by the anarchist party ?

A.—Yes, that is the main reason, but there are other reasons as well, one of the other reasons being that, whatever the Government does is considered to be suspect. It may be unfortunate.

(*Mr. Chairman*).—*Q.*—Is it your argument that responsible government will stop violent revolutionary crime ?

A.—That is not my argument. I have already answered Sir Sivaswamy Aiyer to some extent.

(*Mr. Chairman*).—*Q.*—Let me put it to you in this way. Has it ever been found that the success, say in Russia or France or in Ireland, the success of the overthrow of the Government has terminated violent crime ?

A.—My answer is that the Bengal revolutionary movement stands on a very different footing from revolutionary movements, so far as I know, and I do not know much about them, in those countries.

(*Sir Muhammad Shafi*).—*Q.*—May I put it in a different way. In so far as your knowledge is concerned, do the members of the revolutionary movement in Bengal belong to that class of politicians or political school who want responsible government within the Empire for India ?

A.—Within the last 6 or 7 years I have had no information or knowledge ; before that I had opportunities of examining the thing. My opinion is that the politically-minded class and the revolutionaries are absolutely classes apart.

Q.—The members of the revolutionary movement in Bengal are for out and out for independence and not for self-government within the Empire ?

A.—May I explain ? The members of the revolutionary movement in Bengal, so far as I can gather, for I have no inside knowledge.....

(*Mr. Chairman*).—*Q.*—You had considerable inside knowledge ?

A.—That was about seven years or so ago. Having had inside knowledge then and keeping my eyes open now, so far as the revolutionary party is concerned I think they do not think so much about constitutional issues. They are mostly young men ; they are dissatisfied with everything they see around them and they think anything is better than this, and many of them (I am speaking of my old knowledge) are distinctly of opinion that they would be perfectly satisfied with constitutional Government in India, that is so far as the old men are concerned. I have very little knowledge of the new men.

(*Maharaja of Burdwan*).—*Q.*—But is it not a fact that, even in the old revolutionary party, although the majority of the party were young men fired with false ideas of independence and so forth, there were some older heads among them to guide them, and is it not a fact that even now to-day the revolutionary party in Bengal does not consist entirely of young men ?

A.—I do not know much about the inside working of the revolutionary party today, but in the old days no political man was really connected with the revolutionary party, although there was a lot of sympathy between the very acute political agitator and the revolutionary ; but mere political men had nothing to do with the revolutionary party.

(*Sir Muhammad Shafi*).—*Q.*—The nature of the crimes which have commenced in Bengal is essentially the same as the crimes that used to be committed by the revolutionary party in the old days ?

A.—Yes, it looks like it.

(*Sir Muhammad Shafi*).—*Q.*—So that, so far as you can judge, there is no material difference between the character of the movement as it existed in the days of which you are speaking and as it is now ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Very well, now if the Bengal Jury is mainly influenced by terrorism in casting their verdict as they generally do, do you think it will make any difference if the jury are convinced that Parliament is in earnest in regard to its pledge of responsible government to India ?

A.—I never said that.

(*Sir Muhammad Shafi*).—*Q.*—They would still continue ?

A.—Yes, if they are intimidated, but the background will be taken away. They are the same as other human beings. The public sympathy upon which the revolutionary can bank today will be gone.

(*Mr. Chairman*).—*Q.*—Then am I to understand there is a large body of public sympathy with revolutionary crime in Bengal ?

A.—No, but there is public antipathy against Government actions, and that brings all a fellow-feeling. It is partly intimidation, partly the opinion of a man's neighbours and so on.

Q.—Let us agree to divide the revolutionaries into two parties, political revolutionaries and economic revolutionaries ?

A.—There is no such class, and no such division.

Q.—Those inspired by political motives and those by economic motives ?

A.—No revolutionary is inspired by economic causes. Economic causes give the revolutionary party recruiting ground for bringing in others, that is all.

Q.—But what is the impelling motive ?

A.—The impelling motive is absolute dissatisfaction with all their surroundings. They see nothing but a dead wall before them and they think anything is better than this.

Q.—So far as these people are concerned, have they any definite political reform or advance as their objective ?

A.—No, they are not a political party in that sense, and I do not think there is any connection between any political party and the revolutionary party even to-day.

Q.—Do you you think that any political concessions will have any influence upon the anarchical movement ?

A.—It will have influence not perhaps on those who are already revolutionaries, but in cutting off their ground for recruitment.

Sir Tej Bahadur Sapru.—*Q.*—You had no prejudice against dyarchy ?

A.—In the beginning not only had I no prejudice, but I had a prejudice in its favour.

Q.—I suppose that is more or less true of Sir Surendra Nath Banerjee ?

A.—Oh, yes.

Q.—You went into the Council with a fixed determination to work dyarchy so as to get the best out of it ?

A.—Yes.

Q.—Now having worked dyarchy for three years, am I right in assuming that the general conclusion you have arrived at is that it is unworkable ?

A.—Yes, I arrived at that conclusion within six months, very early.

Q.—Now irrespective of any question as to whether dyarchy should be replaced by Provincial autonomy or not, you would not suggest to the Government that dyarchy should be tried very much longer ?

A.—No, my strong advice, if it is worth anything, is to put an end to it to-day.

Q.—Now instead of dyarchy having given satisfaction on any large scale, the result today is that all political sections of the community are dead opposed to it ?

A.—So far as I can see, that is the public opinion.

Q.—Not merely of the Swarajist Party but the party to which you belong ?

A.—Yes, and also all those who do not belong to political parties—the general public.

Q.—Will you please tell me whether the present unpopularity of dyarchy is due to the fact that it gives rise to friction between one half of the Government and another half or because it is not supposed to give as much scope to the representatives of the people as a unified system of Government would ?

A.—It is difficult to say. It is based on various causes. I have tried to enumerate some of them in my memorandum of the 31st July, but I do not think I have succeeded in enumerating all. Those two causes are these, but there are others too.

Q.—I suppose you co-operated with Mr. Lionel Curtis in evolving this ?

A.—I took a leading part in it, so did Mr. C. R. Das, although he backed out at the last moment.

(*Mr. Chairman*).—*Q.*—He is not now co-operating ?

A.—At that time he joined in many of these discussions and promised to sign, but at the last moment he did not.

A.—And like some of the others, you are not proud of your child ?

A.—Yes, that is my position.

Q.—Now so far as dyarchy is concerned, suppose the Liberals or Moderates, as they were then called, had not entered the Councils at that time, and the Swarajists or the non-co-operators as they were called had entered, what would have been the result ?

A.—The same result.

(*Mr. Chairman*).—*Q.*—That is, it would have worked for three years ?

A.—If they had worked for three years, they would have incurred the same unpopularity as we have incurred.

Q.—What would have been the actual result, if instead of dyarchy having been worked for the last three years by the Moderates, it had been worked by the Swarajists or their prototypes the non-co-operators ?

A.—If the Swarajists or the non-co-operators were in power as Ministers instead of the Moderates, well, they would have quarrelled long ago, within the first fortnight.

(*Mr. Chairman*).—*Q.*—With whom ?

A.—With the other side of the Government.

Q.—In other words your suggestion is that dyarchy would not have had three years' length of life ?

A.—No, I would give them only a month's time.

Q.—Supposing the present Councils were not full of the Swarajists, but again the Moderates had gone in, do you think they would have been

able to carry on the administration as successfully as they were able to carry on between 1920 and 1923, or less successfully ?

A.—Less successfully, but they would have been able to carry on. Somehow they would have carried on. As you know, our politics are that, however, unsatisfactory the constitution may be, try to work it ; but it means they would have encountered much difficulty. Supposing the Swarajists had not come into the Legislative Council and the old Congress mandate held and only the others had come in, then, if in the last Legislative Council our opponents were 20 or 25, in this Council they would perhaps have been 40 or 50.

Q.—Now one ordinary criticism which I have noticed is that dyarchy has not been given a fair trial, and if it is given a fair tral it is likely to yield very good results and that therefore it should be worked patiently until 1929. Do you agree with that criticism ?

A.—No, I don't.

Q.—What is the worst that you anticipate if the present system is to continue up to 1929 ?

A.—If it is to continue I have summed up in my memorandum .....

Q.—Will you tell us briefly ?

A.—There will be more of non-co-operation, more cleavage between rulers and ruled.

Q.—You will allow me to correct you here. The non-co-operators are co-operating now ?

A.—Yes, theoretically.

Q.—Therefore it is a misnomer to call them non-co-operators any longer ?

A.—Quite right, if you divide them into two parties—the no-changers and the Swarajists. The Swarajists have become a part of the constitution. They have entered the Council, but they are trying to use non-co-operation from within the Councils ; they are trying to obstruct the legislative machinery from within.

Q.—May I point out that obstruction is not the monopoly of any particular party. There have been occasions in the past when the Moderates have used obstruction. There may be occasions in the future when other people may obstruct.

A.—With this difference—you may obstruct particular measures and your obstruction may be based on a particular reason ; but if you obstruct for the sake of obstruction without rhyme or reason, that is a different position.

Q.—But you couldn't very well say that of the present body of Swarajists. As Sir Muhammad Shafi pointed out, on two important occasions they co-operated, namely, with regard to the Steel Protection Bill and the Seperation of Railway Finance. They were both very important measures and they co-operated with the Government.

A.—I may point out—I am more familiar with our petty Provincial affairs and I may point out that they co-operated with the Government in passing all the transferred Budget. Well, realities must have their effect upon all political people. These same Swarajists in their election speeches said that they would throw out the transferred Budget but when they had to exercise their power and they realised what throwing out of

the transferred Budget meant to them politically and also what it meant in other ways they desisted.

Q.—Do you anticipate that in the year 1929 or at any later stage the arguments which are used against advance today will have ceased to be in force at that time ?

A.—No, the same arguments will be used ; only the position will be more difficult.

(*Mr. Chairman*).—*Q.*—Why will the position be more difficult ?

A.—Because in the first place racial bitterness will increase.

Q.—By racial bitterness you mean between the British and the Indian ?

A.—Yes and I consider that good understanding between British and Indian to be the foundation of India's place in the commonwealth of the Empire.

(*Mr. Chairman*).—*Q.*—Excuse me for one moment. I just want to get this point clear. In 1919 when the Councils were started you had a large, a powerful, body outside the Councils resorting to all kinds of methods which we regarded as unconstitutional. In this new Council you have that same party inside the Council—you say, non-co-operating within the Council. Is it not possible that by the next Council they will be inside the Council and co-operating ? In other words is not the position better to-day than in 1919 ?

A.—No, I don't think so. If you ask me to give you my reason, I will.

(*Mr. Chairman*).—That is sufficient.

Q.—I am only testing this view. As the Chairman has just pointed out the non-co-operators who stood out of the Council in 1920 have now come in there apparently with a view—that was at any rate what they said to their electorates—to obstruct and to wreck but occasionally they have obstructed and occasionally they have co-operated.

A.—I agree.

Q.—That is what they have done. Then if the present system continues like that what is the worst you anticipate by 1929. You have not answered that question. Why do you say the position will be worse ?

A.—First of all you will get bitterness between the two races.

Q.—Bitterness due to what ?

A.—To political propaganda. Here a large section of my countrymen want further political advance.

Q.—May I put it to you differently. Do you suggest that the Government—I am not speaking of the reserved half or the transferred half—I am speaking of the Government as a whole—have in the country more friends or less friends now than they had in 1920 ?

A.—Very many less friends.

Q.—Notwithstanding the fact that the non-co-operators are in the Council and occasionally co-operate and occasionally obstruct ?

A.—Not only have they fewer friends, but anyone who is suspected to have anything to do with the Government is looked at askance.

(*Mr. Chairman*).—*Q.*—Do you suggest that the Government, in spite of the fact that there are more Indians in it now than at any time before, is less popular ?

A.—Undoubtedly.

Q.—What do you attribute it to ?

A.—The reason is partly political and partly economic, but the central fact remains that if you give power to the voter and through the voter you bring into the legislative bodies members of the Legislative Council and the Legislative Assembly and if you don't give them responsibility, you are sitting on the safety valve.

Q.—The Chairman asked you a question which I would like to put to you again myself. He pointed out that between 1920 and 1924 the Government of the provinces as well as the Government of India consisted of a much larger number of Indians than at any time before.

A.—Undoubtedly.

Q.—Do you attribute the unpopularity of the Government as a whole to the fact that there are more Indians now ?

A.—Certainly not. I attribute the unpopularity of the Government to the fact that public opinion has been more roused, more hopes about political advance are rife in the country, and by giving votes to a large number of electors the candidates have been discussing politics with them, the newspapers have been discussing politics, a larger number of people have been taking interest in politics. At the same time they do not get responsbility. That is the reason they think those Indians who are inside the Government are not looking after their interests.

(*Mr. Chairman*).—Q.—That would rather provoke hatred of the Indians in the Government. I do not see how it bears out your argument about racial bitterness ?

A.—They make no distinction between the Indian members of the government and the non-Indian. To their mind their rulers are the British and they think that those Indians who form the Government are not consulting the best interests of the country, although the Indian members of the Government might have been doing their very best.

(*Mr. Chairman*).—Then if the whole Government were Indian it would not be any use ?

A.—Not unless you have responsible government. I may put it in the words familiar to us " a brown bureaucracy is worse than the white bureaucracy. "

Q.—In other words there is a feeling among the people that the Indians who are inside the Government become a part of the bureaucratic machinery and that therefore their presence in the Government does not matter much so far as the real welfare of the country is concerned ?

A.—Yes, and the solution to that is responsible government, in my opinion.

Q.—Now, you just now said that the newspapers write a great deal about politics and the people read the newspapers. What is the position with regard to newspapers and the people in the villages ?

A.—They take a great deal of interest. I do not know the circulation of our newspapers but I think it must be large.

Q.—Do your vernacular papers in Bengal sell a great deal in the villages ?

A.—Oh yes. At one time I had to go into the accounts of a leading vernacular paper in my province and its income was Rs. 50,000 a year

Q.—Do you think a very large number of people read the newspapers ?

A.—To-day it must be five times what it was when I examined the Accounts. In the villages as well as in the towns a large number of people read newspapers.

Q.—Now what about direct education of the electorate in Bengal by Members of Council. Is there much touch between the voter and the candidate returned?

A.—With regard to some there is, with regard to others there is very little. It has nothing to do with the parties. It depends upon the individual energies of a particular member, his own inclinations, etc.

Q.—Do you think the average voter in Bengal is capable of calling to account his representative in the Council if he has done something of which he disapproves?

A.—Well, they called most of them to account. According to their ideas our Party did not serve them properly.

Q.—And they turned you out?

A.—Yes.

Q.—Well then, with regard to communal electorates, in answer to a question by Sir Muhammad Shafi I understood you to have said that on principle you were opposed to communal electorates but having regard to the strong feeling of the Muhammadan community in Bengal you would not oppose communal electorates?

A.—Not only in Bengal but I find this feeling every where in India. May I explain my position? My position is this. I want ideas of nationalism to progress, and in my opinion in the interest of progress of national ideas we must get rid of communal electorates; but if that section of the nation which wants communal electorate does not agree with me, by trying to force it on them I do not help the cause of nationalism.

Q.—You would leave it to the Muhammadans?

A.—I would try to persuade them.

Q.—If they do not accept your persuasion and if they insist on communal electorates you would let them have it?

A.—Yes.

Q.—I want to be quite clear about one thing. There has been a great deal of talk in the press about a revision of the electoral system in Bengal. Will you tell me what is exactly the position which the Muhammadans take there and the position the Hindus take with regard to their representation.

A.—With regard to the number in the Legislative Council?

Q.—Yes?

(*Sir Muhammad Shafi*).—*Q.*—As regards the 40—60 per cent. representation?

Q.—I want to know what the position is to-day?

A.—The position to-day is that there are 39 Muhammadans—altogether 40 but one comes from Dacca University which is common to both Hindus and Muhammadans.

Q.—And according to their proportion how many should there be?

A.—According to their proportion in the last census roughly nearly 50, but I am answering off-hand.

Q.—If they get 50 then the Hindus will get.....

A.—Our total number is 140—roughly about 41. I may be out by one or two but roughly about 41 are nominated officials and non-officials. The total strength of the non-officials you may take as about 100.

Q.—And if the Muhammadans get 50 per cent. ?

A.—Then the Hindus would get 50 per cent. not only from the general but also from the special constituencies.

Q.—So the parties will be equally balanced ?

A.—Yes ; but there is one important point. Although the Muhammadans are 56 per cent. taking the province as a whole, they are only about 15 or 16 per cent. in Western Bengal, speaking off-hand, while in Eastern Bengal they are predominant, being even 80 per cent or over in some districts. So that if they ask for special electorates and relegate the Hindus to the general electorate, then in common fairness they ought to have special electorates in Western Bengal and general electorates in Eastern Bengal and the Hindus ought to have special electorates in Eastern Bengal and general electorates in Western Bengal.

Q.—If the scheme of representation were revised in Bengal, what would be the representation of the Hindus ?

A.—50 per cent. numerically ; but in my opinion mere numerical considerations ought not to prevail ; there are other important considerations, educational economic and others. But speaking numerically it will be a little over 50 per cent. for the Muhammadans.

(*Sir Muhammad Shafi*).—*Q.*—Speaking from the purely numerical point of view, the proportion of Muhammadans is 53 per cent. ?

A.—According to the census of 1921 the proportion is 56 per cent. ; it used to be 52 in 1911. But there are special interests where the electors are both Hindus and Muhammadans ; take the Dacca University for example ; it returned a Muhammadan Member though the electors are both Hindus and Muhammadans ; whereas taking the Bengal Mahajana Sabha where both Hindus and Muhammadans are eligible to be members a Hindu will always be returned ; therefore we ought to take out the special seats ; there will then be left something like 47 to 50 seats for Muhammadans, speaking very roughly.

Q.—And the same with the Hindus ?

A.—The Hindus will naturally be one or two less ; but there will be special seats through which they can come. Excepting the Dacca University, the special electorates will mainly return Hindus ; so that the result will be about half and half, if you take only the numerical strength.

Q.—What I want to know is what is the attitude of the Hindus of Bengal towards the half and half representation ?

A.—We have never discussed that publicly. When we discussed this question last, perhaps you and Sir Muhammad Shafi were also there—when we formed that Lucknow Compact. Before that we had a meeting of the All-India Congress Committee at the Indian Association, Calcutta, some three months before the Lucknow Compact ; and naturally the meeting being held in Bengal a large number of Bengal representatives—Hindus and Muhammadans were there ; and apart from the All-India Congress Committee we had numerous conferences between Hindus and Moslems and from that I found that there was an atmosphere of good will and mutual give and take between the Hindus and Muhammadans.

(*Mr. Chairman*).—*Q.*—Do you still find that ?

A.—Yes ; in Bengal they are on very good terms.

(*Sir Muhammad Shafi*).—*Q.*—But is it not a fact with regard to this particular matter that the Muhammadans of Bengal had raised this objection against the Lucknow Compact that in a province where they are 56 per cent. and therefore in a majority they have been converted into a minority in the Legislative Council ?

A.—That has happened only recently, so far as I can see. So far as I am aware that is not the general opinion of the Muhammadans in Bengal ; Mr. Ghuznavi's opinion may be that.

Q.—I am coming to that ; what is exactly the present view which the Hindus take with regard to this question—never mind what their opinion was in 1916 when the Lucknow Compact was made ? What is your view in this matter ?

A.—I would like to settle this question between the Hindus and Muhammadans and deal liberally with them and I expect them to deal with us liberally and I do not feel that there will be any real difficulty if we are left to settle it ourselves.

Q.—I put it to you frankly there is no question of liberality there ; suppose the Muhammadans say " We want 50 per cent. of the seats. " Are you prepared to agree to that personally ?

A.—I personally think it will not be just ; but if that means any concession for advance which Hindus and Muhammadans will enjoy I will agree.

Q.—Am I right in assuming that that will be more or less the attitude of a considerable section of the Hindus ?

A.—Yes.

Q.—I want to take this step further : I have lately been reading a great deal about the circumstances in which the Ministers' salaries were rejected by your council. Is it true to say, as has been suggested on certain platforms and in certain newspapers, that the whole issue turned upon the Hindu-Muhammadan question ?

A.—In my opinion it is absolutely untrue, and untrue to their knowledge.

Q.—Am I right in assuming that among the men who supported Mr. C. R. Das's party there were a number of Muhammadans ?

A.—Yes.

Q.—Quite a number of Muhammadans ?

A.—Yes.

Q.—Now it has been said that there was a great deal of corruption in the Bengal Council ?

A.—Yes, undoubtedly there was corruption.

Q.—And I think you endorsed that remark this morning too ?

A.—Yes.

Q.—Do you suggest that these Muhammadan votes were purchased by the Swarajists against the Muhammadan Ministers ? Is that the suggestion ?

A.—I think I could quote the words of a Muhammadan ex-Minister himself, who made the suggestion in a public speech.

Q.—Is it suggested that the Muhammadans who voted with Mr. C. R. Das in turning down the proposal regarding the salaries of the Ministers were purchased by Mr. C. R. Das's party ?

(*Mr. Chairman*).—*Q.*—Has not that been said openly ?

A.—Yes ; I know it has also been said openly that on the Ministerial side one Ministry was offered to two gentlemen for the purpose of getting some votes.

Q.—Therefore I take it that the present position is that one party is blaming the other ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—In your personal opinion do you not feel that there was a good deal of corruption on both sides ?

A.—Yes, I use the word corruption in this sense that it may be money bribery or some other bribery.

Q.—Therefore, confining myself particularly to this incident which is being noticed a great deal in India and in England, do you think that the Ministers were outvoted because there was corruption on the other side ?

A.—No ; I do not think so ; it is very difficult to weigh the actual effects of corruption on both sides. If you were to eliminate corruption on both sides, nobody could say what would have happened.

(*Sir Muhammad Shafi*).—*Q.*—May I put one question ? In the absence of a Hindu-Muhammadan understanding in Bengal, is the state of corruption on both sides which you have mentioned just now likely to increase or decrease, if provincial autonomy were granted ?

A.—If provincial autonomy were granted, people who resort to corruption will be hooted out of public life.

(*Sir Muhammad Shafi*).—*Q.*—In the absence of a Hindu-Muhammadan understanding ?

A.—Even in the absence of such an understanding they will be hooted out of public life ; it is only owing to people who have a position today because of this kind of thing being in public life that you have corruption.

Q.—You will correct me if I am wrong—but it has been said that the Hindus of Bengal could not tolerate these two Muhammadan Ministers. Do you subscribe to that view ?

A.—I absolutely dissent from that ; it is an unmitigated lie.

Q.—What was the strength of the following of the Muhammadan Ministers in the last Council in which they were defeated ?

A.—If you ask me their following when they took office, I should say 'nil'; but gradually because there were people who were willing to give them a chance, and because some always support Government they gathered together people ; I was one of those who were prepared to give them a chance and I always voted with them for the first 10 or 11 weeks. They had absolutely no following in the beginning ; there was a Muhammadan gentleman in the last Ministry who had a large following.

Q.—Taking the other Muhammadan gentleman who had a large following, what was the attitude of the Hindus towards him ?

A.—Fairly satisfactory, except when he had a quarrel with Sir Surendranath Banerjea, there was some misunderstanding then.

Q.—What was the nature of that misunderstanding ?

A.—About communal representation in the Calcutta Municipal Act : except on that occasion he was fairly popular among the Hindus

Q.—But what about the two later Muhammadan Ministers ?

A.—They had no personal following either among the Hindus or the Muhammadans.

(*Mr. Chairman*).—*Q.*—What vote did they obtain on their salaries ?

A.—They lost it by two votes ; but if you exclude official and nominated members' votes, perhaps it will be 1 to 5.

(*Mr. Chairman*).—*Q.*—How many votes were recorded for them ?

A.—66 and 68.

(*Mr. Chairman*).—*Q.*—You can hardly say they had no following ?

A.—I said they had no following when they started.

(*Mr. Chairman*).—*Q.*—You said they had very little following at any time ; at any rate they got 66 votes ?

A.—Yes ; but you must exclude official European and nominated non-official votes.

(*Mr. Chairman*).—*Q.*—Why non-official nominated ?

A.—Because they were expected to vote for the Ministers ; that at any rate was the understanding, on this occasion, not on the last occasion.

(*Sir Muhammad Shafi*).—*Q.*—Why should it be so ?

A.—That was the understanding ; it is a fact.

Q.—If we were to exclude official votes what would it come to ?

A.—Speaking off-hand, the official and nominated non-official votes would come to about 42. The remainder would be about 24. The official votes would be about 22 or 23.

(*Sir Muhammad Shafi*).—*Q.*—But why should you exclude the non-official nominated votes ?

A.—Because the nominations were made on the understanding that they would support the Ministry. I may have my own opinion and you may have yours ; but that is a fact ; there was a clear understanding.

(*Sir Muhammad Shafi*).—*Q.*—And was there no counter-understanding between members in the opposite party of any kind ?

A.—They were elected ; when a man is offered a nominated seat and he is told that he is given that seat on the understanding that he should vote for the Ministers—the understanding was only about the Ministers and not about the reserved side—I call that an understanding.

(*Sir Muhammad Shafi*).—*Q.*—Did nomination take place before the new Ministry was formed or after ?

A.—After the new Ministry was formed and after the old Ministry went out of office. You may inquire ; it is a fact ; I can give you the names.

(*Maharaja of Burdwan*).—*Q.*—Supposing now, Sir Provash,—I only ask this question to bring out what Sir Tej Bahadur Sapru has in his mind—supposing you excluded these 23 officials—then you have 44. Now, if we excluded from that 44, the number of nominated members who you thought had a mandate to vote for the Ministers on that occasion, what was the actual number in favour of the Ministers who were non-official ?

A.—About 22 or 23 non-official elected Indian members.

(*Maharaja of Burdwan*).—*Q.*—Out of these 23, how many were Muhammadans ?

A.—About 16 or 17 were Muhammadans and the rest were Hindus.

(*Sir Muhammad Shafi*).—*Q.*—Out of a majority of 68, if you were to deduct the votes which had been purchased or which had been cast in favour of Mr. C. R. Das's motion as a result of the pressure which the Swaraj Party were able to bring to bear upon them, how many genuine votes were against the Ministers ?

A.—As I don't belong either to Mr. Das's party or to the Ministerial party, I cannot answer that question.

Q.—Has there been any inquiry, official or non-official, judicial or otherwise, into these charges or allegations of corruption on either side ?

A.—Not to my knowledge. There ought to be an inquiry, certainly.

Q.—And I suppose each party denies the allegations made against it ?

(*Mr. Chairman*).—*Q.*—Each party makes an allegation against the other party. Allegations have been made on both sides ?

A.—Yes.

Q.—Now, I put it to you, suppose there were not these two Ministers there in office but there were two other Ministers, Muhammadan Ministers, I say, or Hindu Ministers, what would have been the attitude of the Swarajist Party in regard to it ?

A.—Opposition, undoubtedly.

Q.—And would they have turned down the Budget ?

A.—They would have tried to, but they would not have succeeded. They have not succeeded there—in Bengal. The transferred department Budget was passed fully.

(*Dr. Paranjpye*).—*Q.*—The Swarajists voted against it ?

A.—First of all they wanted to vote against it but when they found that voting against it would prove their weak position, then they did not.

Q.—Then will you please explain to the Committee how is it they failed in regard to the reserved Budget and they succeeded in regard to the Ministers' salaries ?

A.—Because the Ministers themselves had no following, and the Ministers for various reasons became very unpopular.

Q.—It was due to their unpopularity ?

A.—If I tell you the grouping of parties, the total number of Swarajists would be 42 or 43 in a House or 140,—that would explain the reasons. The so-called Nationalists and the so-called Swarajists were united as against the Ministers. About voting for the transferred Budgets, the Nationalists were against the Swarajists. So that about voting for the transferred Budget, the Swaraj vote would have been only 43 out of 140.

Q.—But in regard to these two Ministers, the members of the other parties also joined the Swarajists.

A.—Including the Swarajists, the Nationalists and others. Including such of the Liberals as there were.

Q.—Including yourself ?

A.—Yes, including myself.

Q.—Now, do you think that the constitution in Bengal might have been saved if there were not these Ministers but some other Ministers ?

A.—Undoubtedly.

(*Mr. Chairman*).—*Q.*—Then you attribute their defeat to their personal unpopularity ?

A.—Yes.

(*Maharaja of Burdwan*).—*Q.*—Supposing now, when the Ministers' salaries came up, if a vote of censure had been allowed, do you think that yourself or others would have voted for the Ministers' salaries ?

A.—Not only that, but I made it quite clear in my speech.

(*Maharaja of Burdwan*).—*Q.*—So you did. But was it the general view or not that because they had not an opportunity of carrying a vote of censure against the Ministers, they had no other alternative but to refuse their salaries ? In other words, dyarchy would have not died a death just now in Bengal had these two things been separate ?

A.—Yes.

Q.—Now, Sir Provash, I will pass on to another question. You suggest the appointment of a Court which you would call a Supreme Court for the decision of questions that may arise between the Central Government and the Provincial Governments ?

A.—And also say between two Provincial Governments.

Q.—Yes. And there you say that you generally do not favour the idea of a Supreme Court, in India ?

A.—For ordinary litigation.

Q.—Exactly. Now, why have you so much confidence in your Judges for the decision of constitutional questions which very seldom arise in Indian Courts, when you have not that same confidence in regard to other legal matters ?

A.—My point is that, if the Privy Council decides these constitutional questions, say in a conflict between the Central Government and the Local Government, and the public will not have the same amount of confidence, and will ascribe racial considerations. But as regards ordinary litigation, in my opinion we do not lose, on the other hand, we gain by having such litigation tried by the Privy Council.

Q.—However, that is a question on which there may be difference of opinion. But what I want you to remember is that most of these constitutional questions from Canada have been settled by the Privy Council.

A.—But in Canada there is no Indian-British question.

Q.—But there will be no such thing as an Indian-British question when a question of a constitutional character arises.

A.—I hope not, but there may be. At any rate, that is my reason. The Indian mentality at the present moment is that anything appertaining to the Government is British.

Q.—But your suggestion relates to a time when the Government will have been Indianised and democratised, therefore at that time there will be no such thing as a suspicion, between the British and the Indian.

A.—Quite, but at the same time, it will take some time for these ideas to filter down, that is one reason. And my other reason is that it will mean more delay and expense. These are the two reasons. But that is not a point on which I am very keen. I throw out a suggestion. You may have it either way.

Q.—There is one question with regard to the revolutionary movement—which I want to ask you. It is this. Before the year 1906 and 1907, we never heard of any revolutionary movement in Bengal. Isn't that a fact ?

A.—Before 1905 and 1906, yes.

Q.—Very well. So that the movement in Bengal is nearly 20 years old. Sometimes it has been strong, sometimes it has been weak. Sometimes it has been in the open sometimes it has been covert.

A.—The movement practically synchronised with the partition of Bengal. There may have been sporadic movements even before 1904-05.

Q.—Will you please tell me what are the steps for the suppression of this movement which the reserved half has taken during the last few years or which the unified Government took before, which you think that a popular Minister could not take ?

A.—Well, during the three years that I was Minister, there was not much of this movement. This movement has again started latterly. And even with the little things that there were, I would rather not answer that question.

Q.—No, no. I want to know. From my point of view this is an important question. Supposing instead of being a Minister in charge of Education in the last Council where you said you had a following of your own, and where you had the support of a non-official member, you were a Minister in charge of Law and Order and Justice and you were called upon to cope with the anarchical movement in Bengal, do you think that in any strong measure that you would have taken you would have received the support of the Council ?

A.—Certainly, if my position were that of a responsible Minister. With the following I had in the last Council, I could have acted most autocratically : I might have gone out in the next election but that is different. I had to fight with one of the biggest men in Bengal, and I was not afraid to fight because I tried a larger following in the Legislative Council.

Q.—Now, supposing, instead of your being the Minister in charge of Law and Order, a Swarajist was the Minister in charge of Law and Order ?

A.—The position would be the same if he had a following.

Q.—But would not the following—I am talking of the following of a Swarajist or a Nationalist—not of a Minister like yourself—sympathise with the revolutionaries ? Or would it rather support a Minister in suppressing anarchical movements ? Is there a true national spirit ?

A.—The following of either party would support the Minister.

Q.—Then, if that is so—do you say that there is some sympathy with the anarchical movement ? Why is there that sympathy with the anarchical movement now in Bengal ?

A.—Because of the present political constitution.

Q.—What is that ? I want you to be clear ?.

A.—That is that people feel—whether rightly or wrongly, I am not going into that question—that, Government do not really look after their interests.

Q.—And the anarchists and revolutionaries are looked upon with toleration ?

A.—Alhough they do not like the anarchical movement and have no innate sympathy with the revolutionaries, they say to themselves : these fellows are trying to find a solution in their own way, let them try.

(*Sir Muhammad Shafi*).—*Q.*—In spite of political murders and dacoities ?

A.—Not all.

(*Dr. Paranjpye*).—*Q.*—They say, let Government stew in their own justice ?

A.—They think Government do not care for such things.

Q.—And you think that one result of your recommendation will be that it will create strong public feeling and therefore strengthen the hands of the Government ?

A.—Yes.

Q.—Now, will you please explain to the Committee what exactly is the position of the depressed classes in your province ?

A.—Well, roughly, I am more familiar with the tables of 1911.

Q.—What is their position now ? I don't want the figures. Who are the depressed classes in Bengal, what is their position and what are their difficulties ?

A.—The so-called lower classes—mochis, chandals, haris, doms, etc.

Q.—What are their disabilities ? Are they allowed to draw water out of a common well ?

A.—In most places—not in all places. There is no acute problem in Bengal so far as the depressed classes are concerned.

Q.—What about Namasudras ?

A.—In some place they are not allowed in school hostels. Certain cases came up to me. I ordered they must be allowed and I never heard anything after that.

Q.—But were your orders carried out.

A.—Absolutely—the higher classes don't object, most of them have no strong feeling.

Q.—Will you please tell the Committee what is exactly the extent of the problem there ?

A.—Very little—nothing serious.

(*Mr. Chairman*).—*Q.*—Is not it the case that the depressed classes generally live in their own villages—they don't live in mixed villages ?

A.—Oh no, they always live in mixed villages. There are a number of them opposite my family dwelling house in my village.

(*Mr. Chairman*).—Q.—Yes, but I think the Bengal village is a very different thing from the village up-country—the houses are much more separated—is not that so ? Everyone has his own little plot and the villages are spread over much more ground ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—And the water question is very simple ?

A.—All castes take their water from the tanks. Nobody objects to that, whatever his caste may be.

Q.—Then what is exactly the social and religious disabilities under which a member of the depressed classes finds himself in Bengal ?

A.—It is more a creation of some abitious men. There is no very serious disability.

Q.—Now, supposing there was to be provincial autonomy in your province, do you, with your knowledge of Bengal, think that the position of the depressed classes under responsible government would be worse than it has been in the past, or will it be better than it has been in the past, or will it be about the same ?

A.—It will certainly be very much better. I don't think the depressed classes have had any such attention from the Government in the past as during the last three years in Bengal.

(*Maharaja of Burdwan*).—*Q.*—May I ask what measures you took for them ?

A.—In spite of the difficulties of finance, I awarded scholarships, I granted money for one hostel and I made grants to the backward classes mission and so on. My resources were very very limited. I thought they were a body for whom I ought to do something. Before that Government never gave any special grant except a grant of Rs. 3,000 in the old Legislative Council which was due to my initiative. Lord Sinha was then the member in charge and I got that grant from him. That was the first special grant that they every got.

(*Mr. Chairman*).—*Q.*—Then that was one of your greatest achievements ?

A.—I would not call that an achievement. I think, I tried to act justly. I noticed their existence which my predecessors did not do so. I do not take any credit for that.

Q.—I take it you are an advocate of provincial autonomy. Do you want it in advance of any change in the Central Government or simultaneously with a change in the constitution of the Central Government ?

A.—I would like both simultaneously.

Q.—Suppose provincial autonomy was given first and then a change in the Central Government, do you think that it would be workable ?

A.—There will be difficulties but as a choice between the two I would not refuse it.

Sir Muhammad Shafi.—*Q.*—You told us just now that the failure of the existing constitution in your province was due to the personal unpopularity of the two gentlemen who were selected as Ministers ?

A.—Partly.

Q.—Can you name to me any two Muhammadans out of the Muhammadan members of your Provincial Council whose selection as Ministers instead of the these two would have averted this catastrophe ?

A.—If you force me to mention names then I would but I would rather not. I am willing to mention names to you privately. I certainly have some men in mind. Whoever is appointed Minister he is bound to gather some following. I can mention names to you privately if you want.

Mr. Chairman.—*Q.*—There are one or two questions that I want to ask you. What was the object of this bribery that took place during the voting on the Minister's salaries ? Assuming that the allegations were correct, I take it that the Ministers wanted to retain office, others were probably bent on throwing them out ? When the whole of the Government is transferred there will be the same position ? Why do you say that the grant of provincial autonomy would result in the abolition of bribery in Bengal ?

A.—Because better men will come in.

Q.—Come in where ?

A.—Into the Legislative Council. Many good men do not care to offer themselves for election. Take our last Bengal election. If you bar the Swarajists and also some men of ability who belong to the Nationalists you will hardly find men who can carry on any ordinary administration.

Q.—If the electorate is the same what reason have you for supposing that you will have better members than you have at present ?

A.—That is not the point. The seat of a Minister in a dyarchy is hardly worth having. If you give real power you will find better men offering themselves as candidates. They do not offer themselves at present.

Q.—You said that a seat in a dyarchy is not worth having. At any rate it has been worth sufficiently to induce bribery ?

A.—Men who are worthy of being Ministers do not consider it of sufficient importance but men who are not fit to be Ministers, if they get a chance of getting these posts, they will try to do so.

Q.—Then I will leave it at that.

Sir Arthur Froom.—*Q.*—You have said that you are against dyarchy and in reply to a question put by one of my colleagues you said you are in favour of provincial autonomy ? and your idea of provincial autonomy as explained in paragraph 1 of your memorandum—a Cabinet to consist of 5 members or 7 members who would be elected by the members of the Provincial Councils ?

A.—The Governor will send for such men as in his opinion are qualified and the test will be whether they can command a majority.

Q.—You told us that a Minister in a scheme of dyarchy is unpopular. Do you think that a Cabinet Minister will become unpopular ?

A.—They will have real power and if they are unpopular others will take their place.

Q.—You have stated your opinion under this provincial autonomy, law and order will be better maintained than it is now ?

A.—Yes.

Q.—And you repeat that opinion to the Committee ?

A.—Yes.

Q.—You do not think that the present unrest in certain parts of India is due to fear that the stable Government is going ?

A.—It is due to various causes.

Q.—You do not think it is due to a change in the Government or from fear of provincial autonomy being granted ?

A.—Certainly not from fear of grant of provincial autonomy. It is due to various causes.

Q.—With your provincial autonomy there will be political grouping for communal interests ?

A.—I think matters will improve.

Q.—In your memorandum written in June 1924 you say that you are one of those who firmly believe that the time is not yet ripe for provincial autonomy. What has caused you to change your opinion since then ?

A.—My opinion remains the same. If you will do me the favour of reading all my memoranda together what you will find is this. If you retain the present electorate and ask that electorate alone to return members then the time is not yet ripe but if it is a limited electorate the time has arrived.

Q.—Your idea is to have a change in the electorate of Bengal ?

A.—I have explained it in my memoranda. I have condemned dyarchy and I have also said that the voters who are given votes are gullible and ignorant and not yet fit and I repeat this in my last document. But there is nothing fundamentally wrong with these voters. Therefore if you also give power to such voters who are fit and also have an Upper House, you can have it. My opinion is the same throughout. I have not changed it.

(*Mr. Chairman*).—*Q.*—You would not have provincial autonomy and you withdraw your first statement ?

A.—I repeat that in my last memorandum. I do not withdraw anything.

(*Mr. Chairman*).—*Q.*—You would not have provincial autonomy unless you have a Upper House as a check ?

A.—Yes. Either that or limit the electorate.

Q.—Your Upper House would be elected practically by the same electorate as the Lower House ? You would not have a nominated Upper House ?

A.—I would lay stress on a democratic Upper House.

The witness then withdrew.

Friday, the 17th October 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Sir Purshotamdas Thakurdas, M.L.A.

EXAMINED BY THE CHAIRMAN.

Q.—Sir Purshotamdas, have you got a printed copy of your memorandum ?

A.—I have, Sir.

Q.—I do not intend to ask you very many questions, but there are two or three things that I should like to get on record. You were a member of the Council of State ?

A.—Yes, I was a member of the Council of State.

Q.—And you are now a Member of the Legislative Assembly ?

A.—Yes.

Q.—What constituency do you represent ?

A.—The Indian Merchants' Chamber, Bombay.

Q.—How many electors are there ?

A.—About 500 in round figures.

Q.—It is a special constituency ?

A.—Yes.

(*Sir Sivaswamy Aiyer*).—*Q.*—You are the President of the Indian Merchants Chamber ?

A.—I was twice : the last was in 1922.

Q.—Were you in the Bombay Council before ?

A.—I was in the first Bombay Council. I suppose your question was whether I was a member of the Bombay Council during the present reforms. I was also in the Bombay Council from 1916 to 1920.

Q.—So you had some seven years' experience ?

A.—A little experience of the previous regime also.

Q.—I see you go into the difficulties in the working of the constitution and then you make certain suggestions in the way of amendments of the constitution, but you also recognise that those suggestions are beyond the powers of this Committee ?

A.—That is what appears from the reference.

Q.—You recognise that yourself ?

A.—Yes. I say that in the first paragraph.

Q.—You have not made any other suggestions. You make certain recommendations which are beyond the powers of this Committee. Therefore, may I assume that you consider that unless those recommendations are given effect to, it is useless to examine the present constitution at the present moment ?

A.—No, Sir. I have not touched upon what can be done within the present Act for the simple reason that I feel in giving evidence before this Committee that I ought to make out a case for what is necessary at present in order to bring about better contentment and generally speaking better administration. That does not necessarily, Sir, preclude this that there will be certain things which are feasible within the present Act. That is a matter, Sir, on which I think lawyers can make suggestions better than a man like me.

Q.—I just wanted to make that clear.

A.—I do not cut out this, nor does it show that I have considered what can be done within the present Act.

Q.—It may be taken for the other purpose as saying that unless you do this I do not want anything else.

A.—I do not think that is correct.

Q.—In paragraph 2 of your memorandum you say you take it " that the sole aim of British rule in India is, and will remain, the sacred one of seeing India a self-Governing country." Now, what exactly do you mean by that ? Do you refer to the preamble of the Government of India Act ?

A.—I had nothing particular like that in mind. What I had in my mind was that I wanted to make it clear that my evidence is based on my strong confidence that it is so. But if there was going to be any change in that or if there was the slightest suspicion of that not being the genuine aim of the British Government, then of course the evidence perhaps is not quite pertinent.

Q.—I do not think it has ever been suggested that the sole aim of the British Government is to see India a self-governing country except as an integral part of the British Empire.

A.—I do not want to imply there at all that it should be outside. I forcibly say that it should be a part of the British Empire and nothing else, Sir.

Q.—In other words you indicate and merely state here the preamble to the Government of India Act ?

A.—If it applies there. I do not remember it very accurately. If it applies there I do not mind saying that it is in keeping with that.

Q.—" The progressive realisation of responsible government in British India as an integral part of the British Empire."

A.—Integral part of the Empire is understood in my memorandum. The word progressive is there about which there is a little difference of opinion between the two schools, Indian and the other.

Q.—The statement of policy of the British Government has never gone beyond that. Your suggestion here would be that the one aim of England is to make India a self-governing country, irrespective of her remaining in the Empire. We never heard that statement.

A.—I did not intend it at all. It was understood so unanimously more or less as far as the Indian public is concerned that I thought it unnecessary to put it on paper.

(*Sir Sivaswamy Aiyer*).—*Q.*—You assumed it throughout ?

A.—Absolutely so.

Q.—You have had a long experience of Bombay. You have represented various constituencies and you know the Bombay elector ?

A.—Yes, Sir.

Q.—Will I be wrong if I assume, speaking generally, that the Bombay elector is an intelligent man, capable of forming a judgment on ordinary affairs ?

A.—I believe that, Sir.

Q.—I will assume that. That being so, will you turn to paragraph 4 of your memorandum. You say at the end : " The only form of loyalty which conduces to the stability of a Government is the loyalty of those who understand and appreciate the benefits of good administration. Undoubtedly such loyalty can only come from the intelligensia, and the conciliation of the intelligensia must, therefore, form the main goal of statesmanship." Now, if the Bombay elector is a man who could form a judgment on ordinary affairs, then it is not only the intelligensia, but the man in the street who can appreciate the benefits of good administration ?

A.—Yes, Sir.

Q.—Therefore you would probably like to modify that statement ?

A.—I should like you to read the previous part of that paragraph. I am referring there to the masses, the vast masses, about whom we hear so much from British statesmen. I compare the intelligensia as against the masses, who have no voice, who have no education or who have little education ; and I am now referring to them only.

Q.—May I suggest that the basis of the present constitution is the present elector ?

A.—Yes.

Q.—And therefore if the present elector, as you say and as I also think, can form a reasonable judgment on ordinary things, can he not form a reasonable judgment on good administration ?

A.—Yes, he can.

Q.—If they cannot do so, then they would not be an electorate.

A.—I do not agree that they do not do so or that they cannot do so, but we are thinking of others besides the electors.

Q.—You do not call the electors intelligensia ?

A.—More or less the intelligensia would be the upper classes of the electors, but the electors generally speaking at present are people who can read and write and therefore do not at all come into the special comparison that I make. I am making a comparison between the masses and the educated classes.

Q.—I quite see your point. Perhaps you will take mine. Am I justified in assuming that you consider the electors of Bombay are a part of the intelligensia ?

A.—Certainly, Sir. The bulk of the electorate are educated, they can read and write and they do not come in at all in the consideration that I refer to in paragraph 4 of my memorandum.

Q.—Do I understand you to say that the whole of the Bombay electorate can read and write ?

A.—Almost.

Q.—We were told, if I recollect rightly, by one member of the Bombay Council that even some of the members of the Council can hardly read and write.

A.—Is that about Bombay city ? The Bombay Council may have returned on it some such members from the districts.

Q.—I do not mean the Bombay city electorate but the Bombay Presidency electorate.

A.—It is quite possible that there may be certain members who cannot read and write. I would not say 'no' to that. But when I refer, I refer generally to the majority of the electorate. I do not refer to a small part of it, which perhaps is not able to read and write and is not literate.

Q.—What I suggest is that the bulk of the electorate in the Bombay Presidency can hardly be called intelligensia. That is my point.

A.—It is certainly not the masses.

Q.—I am not talking of the masses. I am talking about the electorate in the Bombay Presidency. Do you consider them to be what is generally called the intelligensia, which to my mind has always meant the few educated leading men ?

A.—Exactly. By intelligensia of course you mean a few upper men who really give a lead to them. But when you talk of the Bombay electorate, they certainly are much more educated and much more able to understand their rights and so on. Then the masses, about whom I refer in that paragraph.....

Q.—I am trying to ascertain whether the Bombay electorate can appreciate good administration ?

A.—Yes, they do. The man in the street in Bombay does.

Q.—Now, you take a very strong objection to dyarchy, because you think you want a strong Government in India ?

A.—Yes. I mention that in paragraph 6.

Q.—Isn't that correct to say that one of your reasons for objecting to dyarchy is that you believe in strong Government ?

A.—Yes.

Q.—And therefore you say that dyarchy is divided Government and therefore it is bad for India. That is one of your arguments ?

A.—You are now referring to my quotation from Sir Michael O'Dwyer. I am not endorsing the whole of it.

Q.—I am merely asking you a question as to whether you consider one of the objections to dyarchy is that it is divided Givernment and therefore not a strong Government.

A.—As far as it is divided it is not strong.

Q.—And you quote Sir Michael O'Dwyer in support of it ?

A.—Yes.

(*Sir Sivaswamy Aiyer*).—*Q.*—So far as he is in your favour ?

A.—So far as things apply to our experience of dyarchy till now.

Q.—I do not suggest that it is your view that Sir Michael O'Dwyer's Government is the Government you desire. I am merely asking you whether one of your objections to dyarchy is that it is not a strong Government ?

A.—Yes, because it is divided.

Q.—You think that a unified Government, whatever it is composed of, is stronger than a divided Government ?

A.—A unified Government is always stronger than a divided Government. No doubt about that.

Q.—The old system was stronger and you contend probably that if you had complete self-Government, it would be stronger still ?

A.—When you say that the old system was stronger, I am against that. There were countervailing disadvantages in the old system.

Q.—Do you consider the Government as it existed before the Reforms was a stronger Government than the Government as it exists now ?

A.—Martial law with one person governing is stronger still, but nobody will say that it is the best or most desirable.

Q.—I am not asking you if it is the best. You say that one of the objections to dyarchy is that it is a divided government. I am putting to you the case of Bombay before the Reforms when it had a Governor in Council. You now have in Bombay a Governor in Council and a Governor acting with Ministers, the two halves. Your scheme would contemplate a Governor with Ministers alone ; that is you would have passed from unified Council Government, by dyarchy, to the constitutional Government with Ministers. Now is it your contention that the Government as it existed before the Reforms is stronger than the present Government ?

A.—As far as mere strength is concerned. Being a single Government, it had not the disadvantage of being divided.

Q.—Therefore it would be stronger ?

A.—Therefore it would be stronger, with the qualification I made at the start that it had its corresponding disadvantage.

Q.—Then you say naturally that the Government you propose, a unified government, would be still stronger ?

A.—It would be stronger without those disadvantages which existed before.

Q.—Then all that we have done has been to weaken the Government and confer no benefit on the country ?

A.—That is what it looks like.

Q.—Would you accept that as a fair statement of the Reforms ? That the result of the Reforms had been to weaken the Government without attracting public support ?

A.—In view of the method in which the dyarchy has been worked.

Q.—There is one little point to which I should like to draw your attention at the end of that paragraph. You give a concrete example regarding Divisional Commissioners, and you say that " nothing has so far been done to give effect to the proposal since the posts are regarded as prizes for members of an all-India Service, of whose destinies the Secretary of State for India is the sole guardian and arbiter," and you quote that as an example of your case. Now I suggest to you quite definitely that here is a suggestion of a motive. Is it not possible that the reason why the posts have not been abolished is because they are regarded as necessary for the proper administration? Is it necessary to make that suggestion of ill-faith?

A.—Well, Sir, I am referring to what I read in the papers about this in the United Provinces. I understand, and I have put it in my state, ment, that a mixed committee of officials and non-officials supported the recommendations for retrenchment.

Q.—That may be so, and I agree that there may be differences of opinion as to whether these posts should or should not be retained, but I suggest to you it is a possible explanation that these posts have not been retained for the selfish reasons you suggest, but that they were retained because some one, possibily to your mind however wrongly, was of opinion that they were essential to the proper administration ?

A.—That could not have struck anybody after he was told that a mixed committee of officials and non-officials substantially agreed that the posts should be retrenched. If one had learnt that non-officials had carried it by a majority and the officials had urged against it, then there might possibly be a doubt; but basing it on the material at my disposal, I think I am not guilty of being unfair to anybody in making the assumption I do.

Q.—You still maintain your view that this can be the only reason ?

A.—In the absence of any information you may now convey to me.

Q.—I do not convey anything to you ?

A.—Then I am inclined to stick to what I say there.

Q.—I do not suggest to you any explanation or any statement, I merely suggest to you a possible explanation of a point where an insinuation has been made. If you impute what is a very discreditable motive ?

A.—May I make it clear ? I have not been anxious at all to make any insinuations if I can possibly help it. At the same time I have been very anxious to make as sound inferences as I would like made if I was myself placed in that position. After having heard there was a committee of officials and non-officials sitting on this, and having heard that their substantial recommendation was that the post should be retrenched, it never struck me the post should be retained for the purpose of better administration because I feel the official element on that committee would have taken cognisance of it.

Q.—I will not take it further ?

A.—Then I think it is a very fair deduction I have made.

Q.—I have given you an opportunity of withdrawing an imputation of bad faith and given you an opportunity of accepting another explanation. If you decline to take that opportunity, we must leave it at that ?

A.—I do not want to be obstinate in making any insinuations. I have shown to you the mentality that has prompted me to make this inference, and unless you tell me the other one is the reason, I must leave it at that.

Q.—In paragraph 7 you say that the so-salled separation of the respective responsibilities of the two halves of Government produces confusion, and you instance action taken, I think, in Bombay in respect to a certain movement as bringing odium on the Ministers who had no part or lot in it. Is it your point that joint consultation did not take place ?

A.—I was not in the secrets of the Government, and still am not in a position to say that consultations did not take place.

Q.—Then how can you say they had no part or lot in it ?

A.—What I say there is based principally on what I read in Mr. Chintamani's evidence.

Q.—Then I may take it this is not information of your own ?

A.—I do not think the Committee expect me to have any information of the inner working of Government either in Bombay or the United Provinces.

Q.—Is it a mere supposition on your part or is it based on some statement ?

A.—It is based on this which is I think quite official, Mr. Chintamani's evidence.

Q.—I am asking you this in regard to Bombay, not the United Provinces ?

A.—In Bombay my recollection is that I read it somewhere in the papers.

Q.—I put the point to you. were you told it by a Minister ?

A.—No, I was not told that by a Minister officially, but I recollect some announcement by Ministers somewhere that they had no share in it ; but I say it subject to correction by Dr. Paranjpye if that information of mine is incorrect. The popular belief in Bombay is that the Ministers were not consulted. If it is incorrect, I am quite prepared to have it modified. The rest of it was based on Mr. Chintamani's evidence which was submitted to the Committee.

Q.—I see you recognise that one of the objections which have been taken to the extension of the transferred half of Government is the weakness of the electorate, and you also recognise that much has been done with the labouring and depressed classes; I think that is a fair statement of your views ?

A.—I do not quite follow the first part of your question. May I ask you to refer me to the paragraph ?

Q.—It is paragraph 10, No. (1). You suggest that more has to be done to widen the electorate ?

A.—Do I suggest that ? I only mention the grounds which have been advanced and I am trying to meet those grounds as far as I can.

Q.—You say they are capable of expansion, that is my point: " I feel that though the present electorates are small, they are capable of expansion."

A.—Yes, they are capable of expansion; I do not say they should be expanded.

Q.—Do you think they should be expanded ?

A.—I do not think it is immediately necessary for any advance to expand them; they are capable of expansion is all that I say.

Q.—They should not be expanded ? I am asking you whether you consider the existing electorate in Bombay should be expanded and it will put it further, that it should be expanded in two directions, (1) by providing more representation for the labouring classes, and (2) by providing more representation for the depressed classes ?

A.—I would say that is a matter for examination into which I have not gone. All I say in my memorandum is that these are the grounds which have been advanced.

Q.—I am asking you for your advice as a man from Bombay, do you consider that advance should be made ?

A.—I do not think it is absolutely necessary for any advance in reforms.

Q.—Now I will put you another question. There are 111 Members in the Bombay Council. They can under the Act be expanded to 130. It is suggested that eight dock labourers' seats should be created. Are you in favour of that ? Eight seats to represent dock labourers in Bombay and Karachi ?

A.—I should like to see the grounds on which this is advanced. I am afraid I cannot say off-hand in the course of this cross-examination whether this is advisable or necessary.

Q.—You can express no opinion on that ?

A.—I am not in a position to express any opinion because I have not heard the *pros* and *cons*.

Q.—It is further suggested that three seats should be allotted to the depressed classes. Have you any opinion on that ?

A.—I have no opinion on that till I know the grounds on which this suggestion is made.

Q.—The suggestion is made in order to give representation to classes which are not at present represented ?

A.—I think the depressed clasess are represented.

Q.—Further representation ?

A.—If a case is made out for the necessity of this, I would have no objection to it. I am not opposed to any expansion of this privilege.

Q.—I am asking you whether you as a Bombay citizen who has been on the Bombay Council for a long time, consider the mill hands and dock labourers are sufficiently represented on your Council.

A.—Speaking from memory, I think labour is represented.

Q.—I asked if it was sufficiently represented ?

A.—I do not know that I would oppose any further representation, that is all I would put it at.

Q.—Then you think it is sufficiently represented ?

A.—I do not think I would oppose any expansion.

Q.—I want to know your opinion as to whether it is or is not sufficiently represented ?

A.—I really could not tell you; I have not thought about it to be able to tell you definitely.

Q.—My point in putting these questions, and I am dealing with Bombay as far as possible, is that the contention is that the Council is

now composed roughly of one-third lawyers, one-third commercial representatives, and one-third agriculturists, and that industrial labour is not reperesented. We have had evidence to that effect ?

A.—I have heard that complaint and I may say I sympathise with it generally.

Q.—I do not propose to take you over your various suggestions, but there is one point I must ask you. Look at paragraph 18 which deals with the Army. I only want you to explain one sentence there. You say " It is equally clear that until Indians have been trained in far larger numbers in the science and technique of defence, India must continue to employ British experts." What do you mean by British experts ? I will put my point quite clearly. There is the British Army in India which is composed of British regiments, the technical staff and the ordinary common soldier, do you include the common soldier in British experts ?

A.—By experts I mean the officers.

Q.—Then you do not desire to retain the British Army ?

A.—There I refer only to officers, but if you put it to me whether I think we should or could do away with the British soldier I say " No, not at present ". I suppose later on you will ask me the reason why I say " No " in the case of the British soldier. May I explain ?

Q.—I did not intend to ask you but I shall be delighted to hear your explanation. What is it ?

A.—At present there is the British Army in India and there is the Indian Army. Well, the British Army in India, whatever may have been the original reasons, is looked upon at present by certain classes, specially the European commercial community here, as being very necessary in order to look after the European vested interests. Whether that is correct or not is a different question and I do not propose to discuss that here, but in order to inspire absolute confidence in the minds of everybody, whatever school of thought he may belong to, I would suggest that the British Army as it is at present should be a part of the Indian Army at least for the next 10 years or perhaps for a longer period.

Q.—Since you have raised the question, Sir Purshotamdas, am I to understand that the British commercial classes are the only people who appreciate the presence of British troops in India ?

A.—They have been the loudest.

Q.—There have been recently in various parts of India members of other communities, such as Hindus and Muhammadans, who have also appreciated the presence of British troops—is that so ?

A.—I have not heard of it but I would not be surprised because recent events have been themselves surprising.

Q.—Am I to understand that the only reason for the retention of the British troops is to reassure the British commercial community ?

A.—Principally, I said.

Q.—You don't think they are useful in defending the frontier ?

A.—I don't think they are any more useful than Indian troops.

Q.—You would not recommend any stiffening ?

A.—I have heard of that idea but I do not think it is absolutely necessary.

Q.—I am not a military expert of course..... ?

A. -Nor am I.

Q.--But I should like to have that clear. You think the only reason the retention of British troops.... ?

A. -The main reason, Sir.

Q.--What are the other reasons ?

A.—The others may be those to which you referred but they are very minor. They are not reasons we attach so much importance to. We are trying in this scheme to show that India means *bona fide* good faith even in this scheme for advance in reforms, and in order to make sure of it I say that India should be prepared, in order to have good blood and mutual confidence India should be prepared, if this is considered necessary by you, to retain British troops for a certain period.

Q.--I suggest to you, since you have raised the point, that evidence has been not wanting in the papers in the last few days that the presence of British troops has been of the greatest value for other reasons ?

A.—Yes, Sir, as long as a thing is available it will be used. The question, Sir, is whether if a thing is not available things will be much worse than they are at present; and that is a question more or less of conjecture.

Q.—I have only one more question to ask of a general kind. Have you any acquaintance with the Mahratta community ?

A.—They belong to Bombay and to a certain extent I do know them.

Q.—Would you agree that the Mahratta regiments are an important element in the life of the Presidency ?

A.—I think so.

Q.—You would agree to that ?

A.—Certainly.

Q.—Let me explain it to you. You know the Mahratta regiments are recruited from the Mahratta country, and if you have a recruiting area of that kind you do not merely have the regiments but you have the people from whom the recruits are drawn. Would you agree that in that sense the Mahratta regiments are an important element in the life of the Bombay Presidency ?

A.—I would not say they are not important. But I must say, Sir, I do not exactly understand in what direction their importance is to be particularised.

Q.—For example, no one would deny that the Sikhs are an important element in the life of the Punjab because the Indian Army draws from the Sikhs a large number of regiments. Now I ask you if in Bombay the Mahratta regiments and their recruiting area are an important element in the life of the Presidency ?

A.- As regiments only ?

Q.--As part of the life of the Presidency ?

A.—I think the Mahrattas are an important element in the life of the residency. I certainly would say ' Yes ' but I would not restrict it to the regiments because I do not quite catch the significance of the regiment part of the question.

Q.—Well that portion of the Mahrattas from whom soldiers are recruited—the soldier population ?

A.—I certainly think they are as important as others from Marwar and Kathiawar for instance.

Q.—Would you give them special representation in the Bombay Council ?

A.—As belonging to a fighting class ?

Q.—Yes.

A.—I suppose if special representation is decided upon for all the fighting classes perhaps the Mahrattas would get it as well as the others. I would not give them special representation unless the other fighting classes get it also.

Q.—Are there any other fighting classes in Bombay ?

A.—I think the Rajputs of Gujrat and Kathiawar are also fighting classes.

Q.—You have never held office yourself, Sir Purshotamdas ?

A.—No, Sir.

Q.—Not in the Bombay Council ?

A.—You mean office under Government ?

Q.—Yes ?

A.—No, Sir.

Sir Muhammad Shafi.—I suppose you will agree that franchise is the foundation of all democratic government ?

A.—Yes.

Q.—Would you further agree that whether a party constitute a majority or a minority in the Legislative Council depends on the will of the electorate ?

A.—Yes. You mean how the electorate votes ?

Q.—Yes.

A.—Yes.

Q.—Bearing those two proposition in mind may I ask you with reference to what you have said at page 2 (paragraph 4 towards the end)—" the only form of loyalty which conduces to the stability of a Government is the loyalty of those who understand and appreciate the benefits of good administration " ; bearing the two propositions which you have just enunciated in reply to my questions would it be more correct to say that this depends on the loyalty of the electorate ?

A.—Yes. You mean the extent to which you are able to inspire the attachment of the electorate to the Government ?

Q.—The only form of loyalty which conduces to the stability of Government is the loyalty of the electorate—wouldn't you rather put it in that way ?

A.—I have put it as the loyalty of those who understand and appreciate the benefits of good administration.

Q.—But if it is true that the franchise is the foundation of all democratic government and that it really depends on the will of the electorate whether a certain party will be in a majority in the legislature or in a minority and therefore will form the Government or not, would it not be more correct to say that the only form of loyalty which conduces to the stability of a Government is the loyalty of the electorate ?

A.– Yes. What I have said there refers to what has been said about the interest of the masses and the interest of the classes being different.

Q.—I make no difference between the classes and the masses. My point is this. The thing that counts in all Government is the electorate and not either the intelligensia or the uneducated classes. Therefore would it not be more correct to say that the only form of loyalty which conduces to the stability of the Government is the loyalty of the electorate ?

A.—Yes, you may say that.

Q.—Therefore taking your next sentence you go on to say " Undoubtedly such loyalty can only come from the intelligensia and the conciliation of the intelligensia must therefore form the main goal of statesmanship ". Would it not therefore be more correct to say that the conciliation or contentment or happiness or whatever you may call it of the electorate ought to be the main goal of statesmanship ?

A.—Yes, you may carry it forward in that way ; there is no objection to it.

Q.—Leaving this part of your statement, do I understand that the scheme sketched out by you in this memorandum represents the ultimate goal, you would aim at, or should it be brought into operation immediately ?

A.—I, Sir, put it forward as the next step which I think is feasible and which I think should be taken if contentment of the Indian Empire is aimed at.

Q.—You want it brought into immediate operation ?

A.—Yes ; it should be considered now as the next step.

Q.—Then so far as the provinces are concerned, would you introduce complete provincial autonomy at once ?

A.—Yes, that is what I think.

Q.—Now will you kindly tell the Committee what is your idea of complete provincial autonomy ?

A.—The Cabinet there is absolutely responsible to the Council without the reserved and the transferred halves. That is, broadly speaking.

Q.—That is what you mean by complete provincial autonomy. I am emphasising the word autonomy ?

A.—I would like you to indicate what you really have in mind.

Q.—Provincial autonomy means that in certain matters the Provincial Governments will have complete authority in so far as provincial administration is concerned and there will be no control of any higher authority on the Provincial Government. That is what autonomy means. Mere responsibility to the Legislature does not mean autonomy. That responsibility may be partial or it may be complete. It is release from higher control, you see, that is the essential element of autonomy, and in that respect I am asking you what do you mean by complete provincial autonomy ?

A.—That is more or less what I mean unless it is brought to my notice that in some respects the thing is not feasible and that some sort of check will be necessary. That is a question I will answer separately.

Q.—Then I take it that by complete provincial autonomy you mean that in so far as internal provincial administration is concerned the provincial government should be free from higher control ?

A.—Yes.

Q.—Coming to the central government, you would not reserve even Army and Foreign and Political for administration by the Governor General ; you would appoint Ministers to administer even more subjects ?

A.—With the reservations that I have put down ; I say the Commander-in-Chief should be an adviser.

Q.—I am speaking of the Cabinet that you wish to be organised ; you say the Commander-in-Chief should not be a member of the Cabinet ?

A.—Yes.

Q.—And that the Minister in charge of Army affairs should be a member of the Cabinet ?

A.—Yes.

Q.—Similarly with Foreign and Political ?

A.—Yes.

Q.—That is, you do not agree with the scheme which has been put forward by a certain class of politicians in this country that for the present so far as Army, Foreign and Political—including relations with Indian States—are concerned, these should remain in the hands of the Governor General ?

A.—I have heard certain suggestions in the direction that you indicate ; I think it would be best to have Foreign—at any rate as the commercial part is concerned—with the elected Ministers ; and as far as Indian States are concerned I have suggested their being brought in in another House.

Q.—That may be ; but with all due respect may I say that you are confusing two ideas ? The idea upon which at present I am talking is the Cabinet that you propose—the constitution according to which India will be governed by a Cabinet with Chief Ministers and other Ministers. You propose that military affairs should be under the charge of one of the Ministers ?

A.—Yes.

Q.—You propose that Foreign and Political should be in charge of another Minister ?

A.—Yes.

Q.—You are aware that a certain class of politicians in this country—I am referring in particular to the Liberal Federation—have stated that for the present these three should remain directly under the control of the Governor General ?

A.—Yes.

Q.—And that responsibility should be introduced with reference to the other departments of the administration ?

A.—Yes.

Q.—And in this respect you differ from them ?

A.—My views are different from theirs.

Q.—That is the point I was driving at. Now, taking the Army, under your scheme you would exclude the Commander-in-Chief from the Indian Cabinet and have a Minister in charge of military affairs ?

A.—Yes.

Q.—According to your scheme would that Minister be an official or a non-official ?

A.—He certainly would be one elected by the Assembly.

Q.—Or an elected member of the Assembly ?

A.—An elected member of the Assembly.

Q.—He would be selected by the Chief Minister ?

A.—Yes, from among the members of the Assembly.

Q.—You would absolutely exclude the Council of State ?

A.—Yes.

(*Dr. Paranjpye*).—Won't there be any Ministers from the Council of State ?

A.—Under my scheme there will be no Council of State.

(*Dr. Paranjpaye*).—And you would only have one House ?

A.—The other House becomes an upper house on the lines of the German House.

Q.—Whatever form it may take, you would not have the British constitutional system in India, an upper house and a lower house on the British lines ?

A.—There are two houses even in my scheme.

Q.—The point is different : according to the British constitution a Minister may belong to the upper house or he may belong to the lower house ; it depends upon the will of the Prime Minister with the approval of His Majesty to choose Ministers from either of the two houses. You would not have it here ?

A.—It all depends upon the constitution of the upper house. I won't say that I would cut out a particular house. It all depends on the constitution of the upper house.

Q.—I do not want things to be dependent upon changing circumstances ; we want a permanent constitution based upon definite principles. If you keep changing your constitution as circumstances change, then there would not be any stability. You are for stable government according to your own ideas. On what lines will that stable government be founded ? That is the point at which I am driving now.

A.—May I reply by referring you to paragraph 24 of my memorandum, where I disclaim either the ability or the knowledge to present a complete picture ? I admit the picture that I am submitting to the Committee is incomplete in many respects ; I am only giving the Committee the main outlines and if you now want me, Sir Muhammad, to elaborate a complete scheme with definite details, I must refuse the honour.

Q.—With all deference, I am not asking you to elaborate your scheme or to give me all the details of your scheme. I am merely trying to elicit your opinion upon the main features of your scheme ?

A.—To that extent, Sir Muhammad, I am sure I will be at your disposal and service ; but for any greater details I am afraid you will have to excuse me.

Q.—There is no question of details. You would select your Ministry from both Houses of the legislature or from one ?

A.—I have given you as complete a reply as I could—that it would depend upon what the constitution of the other House would be and I propose, Sir, with your permission to leave it at that.

Q.—If you have an elected majority in the other house also, just as in the present Legislative Assembly, possibly in varying proportions, would you select them from both Houses or from only one ?

A.—It would not depend only on the elected majority ; it would depend on the representation available in the other house.

Q.—Would you give your Chief Minister full liberty to select his Ministers either from one house or the other as he pleases ?

A.—Subject to the reply I gave you, I would not say ' No ' to it.

Q.—Do you consider that the party system is so well developed at present that it is possible for the Governor General to select the Chief Minister in the way in which the Prime Minister is selected in England ?

A.—I think the party system to-day is much better developed than it was four years back ; and with any advance that you may get the party system would come to stay and would be on sound lines ; whereas if you wait until the party system develops, the present constitution itself leads, owing to the position of the two houses or at least the lower house, to that development being hampered rather than being encouraged on the right lines. Therefore it is a bit of a circle in which we are going round and round.

Q.—I am putting this question to you simply because you stated in reply to an earlier question that your scheme is one for immediate operation. You have had experience of the second Assembly when there has been some development of the party system. Bearing that in mind, supposing this scheme were introduced to-morrow do you think the position is such that your scheme can be worked satisfactorily ?

A.—I think you would get parties of the right sort there ready to work the scheme ; I have not the least doubt about it.

Sir Tej Bahadur Sapru.—*Q.*—I understand, Sir Purshotamdas, you are in business in Bombay ?

A.—Yes.

Q.—And, if you will excuse my asking a personal question, in a large way of business ? You have got a substantial stake in Bombay ?

A.—I own factories in various parts of India.

Q.—The criticism that you have made on the present constitution and the suggestions you have made with regard to a change in the constitution have been made with the full consciousness that from the point of view of a business man it is very necessary to have a stable government ?

A.—Yes.

Q.—Bombay, I take it is pre-eminently a town of capitalists ?

A.—I do not know that Bombay is more capitalist than Calcutta ; but if it is accused of being pre-eminently capitalistic I will not say ' No ' to that allegation if that is what you want.

Q.—I am not making any uncomplimentary insinuation ?

A.—I think Bombay has its quota of capitalists in common with other parts of India.

Q.—May I take it that the views that you represent at the present moment—I am not asking you with reference to any particular view—are more or less shared by capitalists also ?

A.—I am giving evidence in my own personal capacity.

Q.—With your knowledge of business men in Bombay, will you please enlighten this committee whether the Indian section of business men in Bombay would favour any change in the constitution or whether they would like the constitution to remain stationary ?

A.—I think the opinion of the commercial community in Bombay has been expressed before now for a change in the constitution for the better ; there is no question about it.

Q.—Do they want to go back to the pre-reform days or do they want to improve upon the present constitution to make it more democratic ?

A.—They have heard of some clamour for a retrograde step to the pre-reform days ; but they think that that is almost impossible, consistent with the promises and the guarantees that have been given.

Q.—What is it exactly that they want ?

A.—An advance forward.

Q.—When you speak of advance forward, do you mean that they want to advance towards responsible government ?

A.—Yes.

Q.—Both in the provinces and in the central government ?

A.—Yes.

Q.—You just now spoke of the necessity of a strong government in India. What is it exactly that you mean by that adjective ?

A.—A united government ; a government which is not divided as dyarchy has been.

Q.—Let me point out to you, Sir Purshotamdas, one of the criticisms is that the Government which existed before the year 1909, not being partly responsible to an electorate, was strong in the sense that, if it was necessary for it to take any strong action to cope with any difficult situation, it could do so, whereas the Ministers now have got no such courage. Now, by strong Government do you want a Government of the type that existed before the Reforms or do you want something else ?

A.—If you don't mind, Sir Tej Bahadur, I gave a full answer in reply to the Honourable the Chairman when I said that Martial Law which means government by one military man would be the strongest but is most undesirable and to that extent also the other form of Government of 1909 would be undesirable as compared with what we want and what we aim at, so that it is not more strong than the unified Government which is self-governing, which is necessary. It is consistent with the other part, namely, responsibility to the Council. I thought I had made it clear enough, but I am much obliged to you for enabling me to make it clearer still.

Q.—Now, you said just now that you set out for provincial autonomy ?

A.—Yes.

Q.—Now, do I understand you to say that, so far as the internal administration of a particular province is concerned or so far as a certain

class of legislation is concerned, that should be entirely within the power and competence of the Local Legislature ?

A.—Every form of legislation ?

Q.—Yes.

A.—Personally I think that, except for subjects which are under the Central Government, the others which at present are being managed by the Local Government should be left to them completely, without any interference from the Central Government.

Q.—And perhaps you would not object also to subjects which are of an inter-provincial character, that is to say, subjects which affect more provinces than one remaining under the control of the Central Government or the Central Legislature ?

A.—Or change of legislation being undertaken without their consent.

Q.—No, that is not my point. There are certain subjects which affect more provinces than one. In regard to such subjects perhaps you would leave the legislation to the Central Legislature because your province could not possible legislate for Madras any more than the United Provinces could legislate for Bihar.

A.—Yes, in that sense.

Q.—Now, these are adjustments which you will agree will have to be made if the constitution comes to be revised and the relations of the Central Legislature and the Local Legislature and the Central Government and the Local Government would have to be defined by those who are responsible for drafting the constitution ?

A.—Exactly.

Q.—Now, you have not made up your mind as to what form of federal responsible government you will have in India, whether on the Canadian model or the Australian model. On that point you are not prepared to advise ?

A.—No.

Q.—You will leave it to constitutional experts ?

A.—That's it.

Q.—And perhaps you are not by any chance a lawyer ?

A.—No, I don't happen to be so. I am very sorry. It is my loss.

Q.—Well, you will perhaps agree with me that, so far as the Devolution Rules are concerned, they really represent an attempt—whether it has been a successful attempt or an unsuccessful attempt is a question on which opinions may differ—to define more or less the relations of the Central and the Local Governments both in regard to legislation and administration ?

A.—Sir, I would just like to say this before I give a reply to that. That I have read these rules, but I won't claim that I have studied them nor am I in a position to give this Committee any useful assistance on that point.

Q.—I am not at all sorry that you have not studied them ?

A.—I will only say " yes " in reply to any questions you have put to me—that I am told that it is so. I cannot say anything more. I don't claim to have studied these Devolution Rules. I cannot throw any more light on this question.

Q.—Now, as matters stand, you are probably aware that there is a certain amount of control exercised over Local Governments by the Government of India and a certain amount of control exercised by the Secretary of State under the Statute over the Government of India and also over the Local Governments through the Government of India ?

A.—Yes.

Q.—Now, when you talk of provincial autonomy, I suppose what is at the back of your mind is that the control of the Secretary of State must disappear—that the ultimate control of the Secretary of State must disappear ?

A.—That is most necessary, Sir.

Q.—And coming down from the Secretary of State, what is at the back of your mind is that the control of the Government of India too, excepting in regard to those matters in which it is absolutely necessary either in the interest of uniformity of legislation or uniformity of administration , over the Local Governments should also disappear. That is what you mean ?

A.—Exactly.

(*Mr. Chairman.*)—*Q.*—You are leading the witness a bit ?

A.—I should have said this myself in explanation.

Q.—I thought, Sir, you were not supposed to cross-examine. Now, there anything more than that which you mean by provincial tonomy ?

A.—Not as far as the details are concerned, which I have gone into a reply to Sir Muhammad Shafi. That is the main outline. I mean, if any question is put to me regarding the details, I will try to answer it as far as I can.

Q.—Now, with regard to your paragraph 20, where you refer to the German Constitution,—that is, the German Constitution as it was before the war. You know that one of the real features of the German Constitution was that it was a confederation of States ? Are you absolutely wedded to that idea, having regard to the conditions of India ?

A.—No, I put it in for this reason, Sir Tej Bahadur. As Sir Muhammad Shafi pointed out, there has been a certain sort of evidence before this Committee that the Indian States should be a reserved subject with the Governor General or with the Viceroy. I personally attach so much importance to one-third of India working more or less in consonance with the other two-thirds in British India that I thought it was very advisable that something should be devised in order to bring the whole thing together so that in course of years we may all march side by side.

Q.—Do I take it that the dominant idea which was in your mind in paragraph 20 was the definement of the relations between the Central Government and the Indian States ?

A.—Without making it absolutely reserved and even outside our reference to it in our Legislature. In the Assembly last March one could not refer to anything that happened in Nabha even though British subjects lost their lives there. The thing was absolutely outside our ken. Well, that is most unnatural and my sole idea in this connection was to devise something to indicate an advance in this direction.

Q.—You will agree, probably, that the most material factor in the position would be the opinions of the Indian States themselves who would be affected by that ?

A.—Oh, absolutely. I would give the greatest consideration to their commitments and to their treaties. But still I think it is feasible to devise something which would make them move side by side with British India.

Q.—But if they don't care to ?

A.—If they don't care now, they may care five years later. But I don't look upon that part of my memorandum as an integral part of any scheme of responsible government in India.

Q.—Oh no. Just as our present Reforms have not had anything to do with them ?

A.—But I certainly attach more importance to them than has been done till now.

Q.—Now, coming to the question of responsible government in the Central Government. In answer to Sir Muhammad Shafi, you said—correct me if I am wrong—that your idea was that the Government of India should consist of elected Members drawn from the lower House mainly ?

A.—I thought I modified that later.

Q.—Now, I should like your views in regard to this matter. Suppose you had a properly constituted Second Chamber in the Central Legislature—a Second Chamber which would satisfy you. Would you in that case object to any Ministers being drawn from the Second Chamber ?

A.—I think, Sir Tej Bahadur, in reply to Sir Muhammad Shafi I myself pointed out that that would depend on the constitution of the Second Chamber. In reply to you I would say " yes, absolutely ".

Q.—Now, with regard to the provinces. I see that you don't favour the continuance of dyarchy Now would you abolish dyarchy to-day if you had the choice ?

A.—I certainly think so.

(*Mr. Chairman.*)—*Q.*—I understood him to say in reply to Sir Muhammad Shafi that he wanted to put his proposals into immediate operation.

Q.—Then how do you meet the point of view that dyarchy has not been given a fair trial and that it might be given a fair trial right up to 1929 ?

A.—I think dyarchy has had a very fair trial. If there had been no non-co-operation, if our strongest men and our best men who held extreme views politically had gone in, I don't know that dyarchy would not have proved a worse failure than it has now. I think dyarchy had most loyal men to work it. I don't know how it can be said that dyarchy has not had a fair trial. It has had a more fair trial than was expected.

(*Sir Sivaswami Aiyer*).—*Q.*—Or than it deserved ?

(*Sir Muhammad Shafi*).—*Q.*—That may be but dyarchy consists of two sides of Government— the popular side and the reserved side. We have been told by witnesses that the failure of dyarchy which is stated to have occurred, is due to this dual system of Government, and the confusion and friction which it gives rise to. It has nothing to do with whether a certain party is kept out of Government or not. It has nothing to do with that.

A.—It has, I submit.

Q.—May I ask you that question again ? Assuming that the men who went into the Council were not actuated by a desire to work dyarchy and assuming that the men who are now pursuing tactics of obstruction had gone into the Council and had offered obstruction from the very beginning, do you think dyarchy would have had a fairer trial ?

A.—No, certainly in that case not, Sir Tej Bahadur. But I will put it a little milder. Supposing there was no question of obstruction and non-co-operation at all and in 1921 the extreme politicians had gone into the Council, not to obstruct but to work the constitution as they wanted according to their ideas, dyarchy would not have the least chance.

(*Mr. Chairman.*)—*Q.*—Why do you say that, Sir Purshotamdas ?

A.—Because of this, Sir. The evidence that I have read leaves no doubt in my mind that the Indian Liberals who went into the Government as Ministers since 1921 have made the utmost possible allowance for the weakness or the strength of the other side and still they have found it impossible to carry on. If stronger men had gone in, they would have given up right in the midst.

(*Mr. Chairman.*)—*Q.*—What do you mean by stronger men ?

A.—I mean men with more extreme views politically, less willing to compromise.

(*Mr. Chairman.*)—*Q.*—Or obstruct ?

A.—Not at all. I said in reply to Sir Tej ahadur Sapru, that even if non-co-operation had not been known in India, certain people—I could give certain names.—

(*Mr. Chairman.*)—*Q.*—I beg you not to give names, we are not concerned with personalities ?

A.—I don't want to give names, but certain names I could give of those who might have gone into the Council and who would certainly not have shown that spirit of compromise which Ministers have shown till now.

Q.—Will you please refer to paragraph 4 of your memorandum. you say there " Unfortunately discussion of constitutional questions affecting this country has invariably been vitiated by the dangerous and unwarranted assumption in certain influential quarters that there is a deep divergence of interests and feeling between the masses and the intelligensia, that while the former are loyal to the present constitution, the latter are swayed by a sense of unreasoning disaffection, that while the apparent contentment of the dumb millions must be sedulously sought and ensured, according to the lights of the ruling class, conciliation of the politically minded minority is neither desirable nor necessary ". Now, do I understand that your position, correct me if I am wrong, is that it is in the highest degree unwise to alienate the intelligensia because they understand the working of the constitution ?

A.—Yes.

Q.—Am I to understand that the last sentence in that paragraph must be read with this sentence in order to state your real views ?

A.—I have already replied on that point in reference to a question by the Honourable the Chairman.

Q.—Perhaps you have not followed me. I take it that the central idea in your paragraph 4 is that you are pleading for a better understanding between the intelligensia and the Government ?.

A.—That is it.

Q.—And you hold the view that really it is the support of the intelligensia which will be far more responsible for the success of any constitution ?

A.—Or for the amelioration of the masses.

Q.—Will you please tell me what exactly is the composition of the population in the Bombay Presidency ?

A.—Do you mean from the religious or the communal point of view ?

Q.—Which is the most influential community in the Bombay Presidency ?

A.—I have not got the latest census figures. I cannot tell you even the proportion between the Hindus and the Muhammadans.

Q.—Take the position of the Muhammadans. What is their economic position in the Bombay Presidency ?

A.—I have never looked at any question of this nature from the point of view of Hindu or Muhammadan. Therefore I have not those figures at all.

Q.—What I want to know is whether they are influential in business ? Are they doing well ?

A.—I think they play a very prominent part.

Q.—They are not the men who would create trouble in the matter of appointments ?

A.—I have not heard of any trouble in the Bombay Presidency.

Q.—I ask whether they are hankering after Thasildarships, Naib Thasildarships or Deputy Collectorships and so on ?

A.—That is more than I can say. They would never come before me for that. I know that the Muhammadan section in Bombay is the most enterprising in commercial matters and some of the most leading firms in Bombay are Muhmmadan firms and they are highly respected.

Q.—What about the Mahrattas ?

A.—They play their own part and it is a very important one.

Q.—Not in business ?

A.—In the development of the Bombay Presidency all round. I have not heard of Mahrattas being prominent in business but they play their share in other walks of life. They have done a good deal for the development of education.

Q.—Especially in Poona ?

A.—In the Deccan generally. That is a big tract.

Q.—What is the position of the depressed classes in your province ?

A.—I think the depressed classes in Bombay are less depressed than in other parts of India. They are coming into their own very fast and without any sort of opposition from what is known as the upper classes or the upper castes. I think the depressed classes are being elevated in Bombay much faster than in many other parts of India.

Q.—What is the attitude of the orthodox Hindu community towards the depressed classes ?

A.—Mahatma Gandhi's great propaganda for the elevation of the depressed classes has had a magical effect in Gujrat especially which is one of the most orthodox strongholds of Hinduism and to-day in Gujrat

even the high castes touch these very depressed classes like Bhangis with impunity almost. Even the ladies have got reconciled and they do not insist on having a bath or anything like that after meeting the lowest of the depressed classes. The advance there is very very fast.

Q.—The movement is progressing ?

A.—It has received great impetus owing to the endorsement of Mahatma Ghandhi in that connection. He harps upon it at every stage.

Q.—Do you think that is a temporary advance or that it has come to stay ?

A.—I think without the slightest doubt it has come to stay. There is no question of going back. I think the Bombay Council passed a Resolution moved by Dr. Paranjpye saying that the village well should be left open to the depressed classes.

Q.—Would you object to any special protection being given to minorities ?

A.—I think I have already said that if it was thought necessary I would even agree to that, if that will inspire confidence.

Q.—Will you turn to paragraph 10. You deal with three reasons there. You say that the electorates are neither sufficiently numerous to make such a system truly representative nor possessed of the requisite modicum of political judgment to enforce responsibility. I want to ask you whether you have any real objection to the enlargement of the franchise or the extension of the vote ?

A.—I have no objection at all. I do not think it is absolutely necessary to have it in order to have the next stage of reforms.

Q.—Don't you think there is some force in the argument that only 2 per cent. of the population command the vote now ? Would you not transfer political power to the hands of a larger electorate ?

A.—I am not opposed to it. If I were asked to state the reasons why and in what directions and up to what proportions it should be extended I am not prepared to answer. That is why I gave that answer to Sir Muhammad Shafi.

Q.—I do not want you to give any proportion. I simply want to know whether you are in favour of extending the franchise ?

A.—I would not say ' no ' to that.

(*Sir Sivaswamy Aiyar*).—*Q.*—If you want to expand the electorate, you may. That is your point ?

A.—Yes.

Q.—With regard to this question of political judgment to enforce responsibility do you think that the electorate in Bombay is sufficiently strong to assert its will against their representatives on the Council ?

A.—We have had one instance lately in the Surat district. The Government of Bombay introduced into the Surat district a sort of subdivision of the cotton growing parts of the Surat district. They classified the divisions on the quality of cotton that each grew. They divided it into three zones as it is called. A certain section out of those three thought that it meant that they will get lower prices for their stuff and they kicked up such a row that the elected members from Surat moved a Resolution and carried it that the whole of the cotton growing part of the District be only one zone. The Minister went to Surat in order to see and examine things and how it should be decided.

Q.—You mean to say that they called them to account ?

A.—They really put the Minister in such a tight corner, that he may find it difficult to reject the one zone Resolution passed by the Council and accept the three zones which had been approved by the Chamber of Commerce and the commercial bodies concerned. I give that as an instance to show how these people know what is in their interests and what is against their interests according to their lights.

Q.—The second reason with which you deal is that communal jealousies may easily kindle into violent conflict and render the transfer of law and order unthinkable. What do you mean exactly by the expression communal jealousies ?

A.—What else is this except communal jealousy. The Hindus think that the Muhammadans are taking a bigger advance than they deserve and the Muhammadans think that the Hindus are enjoying much more than they ought to. The whole thing is nothing but communal jealousy.

Q.—In dealing with this later on in sub-paragraph (2) you say that what is required is the constitution of advisory committees or of conciliation boards. What is there to prevent you from forming advisory committees or conciliation boards. What are you advocating there ? You want statutory recognition for these committees ?

A.—I think that alone would carry weight. Unless the executive officer of the district who at present carries a good deal of weight is allowed to bring the two sections together, I do not see how you can bring together the strongest elements in the district in that committee at all.

Q.—What you are suggesting is the creation of some machinery or agency for the prevention of communal trouble ?

A.—Yes, some agency which will watch events as they develop from day to day and nip undesirable developments in the bud and prevent them going to a stage when they may burst into flame.

Q.—In paragraph 6 of your memorandum you refer to the Resolution which was moved in the United Provinces Council regarding the abolition of the appointment of Commissioners, I understand that you took a leading part in the Assembly in connection with the debate raised on the Lee Commission report ?

A.—I did speak a little on it.

Q.—I daresay you have read the Report of the Lee Commission ?

A.—I almost studied it, Sir, at one stage.

Q.—Now, I suppose you have read the Despatch of the Secretary of State of the 26th April, which is printed in the Lee Commission's Report ?

A.—Yes.

Q.—May I draw your attention to paragraph 82 :

> " The Services claim that whatever may be the legal interpretation of the words ' existing or accruing rights ' the intention of the proviso was to secure to them their prospects of promotion to all higher posts existing at the time the Act was passed, or alternatively to secure for them compensation for the loss of such prospects through the abolition of these appointments."

Now, these views of the services were not in their entirety endorsed by the Commission ?

A.—They say they must look into it ; the Secretary of State must look into it and that the whole thing requires to be examined. That is, I think, what the Commission say about it. I myself, referred to this in my speech in the Assembly. It is some weeks now. Later on they say that the thing must be looked into by the Secretary of State.

Q.—Your grievance here in this paragraph is that when officials and non-officials who composed that Committee in the United Provinces came to the conclusion that it was unnecessary to keep these appointments intact, the Secretary of State should not have differed from them ?

A.—Yes, certainly. The officials and non-officials having substantially come to that conclusion it meant that as far as administrative efficiency was concerned, those appointments were not necessary. If they have been retained since then it must be for something else than efficiency.

Q.—Do you draw the inference that if they have been retained, it is because that was the view of the services, namely, the view which I have just read from this report ?

A.—The natural inference that I, Sir, draw from it is that if these appointments have been retained, they have been retained not for the purpose of administrative efficiency, but for something else.

Q.—My question was do you suggest that if these appointments have not been abolished in pursuance of the recommendations of the official and non-official members, it is because the Service view that they have got a right to the retention of these appointments has been accepted by the Secretary of State ?

A.—That is the inference one would make, Sir, and that is the inference that I have made.

Sir Arthur Froom.—*Q.*—First of all, Sir Purshotamdas, I do not propose to take you through this memorandum at very great length. I will refer first of all to the last paragraph of your memorandum where you say " these are the main outlines of my scheme." But you fully realise that it is beyond the power of one man to put forward definite, absolute and complete proposals for the constitution ?

A.—Yes.

Q.—Therefore, what you have expressed in your memorandum are your views. You are not entirely dogmatic about them ?

A.—The views expressed there are the main outlines. As far as the main outlines are concerned, I think I would stick to them. As far as the details are concerned.....

Q.—Still you understand that they might possibly require some modification in the light of some view of the situation which was not present in your mind at the time you wrote this memorandum ?

A.—Yes.

Q.—But at any rate you wish the Committee to remember that with all that you have written in this memorandum your complete wish is that India, whatever advancement of Government she received, should remain part of the British Empire ?

A.—Absolutely so.

Q.—I want to emphasise that again.

A.—In view of the questions that have been put to me on this, I must say that I am sorry I did not say so in the memorandum. I took it

for granted. I will make that the first condition if I may put it. I took it for granted.

Q.—You come to the conclusion, I take it, that dyarchy has been tried long enough and it is unworkable. That is your opinion ?

A.—It has had a full chance ; it has had a full trial.

Q.—Do you think that anything has been done at all under dyarchy ? Have any lessons been learnt by this ? Have the people who were appointed Ministers gained some experience ?

A.—One lesson that has been learnt and admitted by all is that divided power is no power at all.

Q.—That is one lesson. I suppose Ministers have learnt something in connection with administration ?

A.—Something which they did not know before ?

Q.—Yes ?

A.—They have learnt nothing, except that they have got knowledge of how these things are being run, but beyond that I do not think there is anything.

(*Sir Muhammad Shafi*).—*Q.*—Haven't they obtained greater knowledge of the working of the administrative machinery ?

A.—No. If I am in your office, then I learn something which I did not know before I joined your office. To that extent, Yes ?

Q.—You are in favour of provincial autonomy ?

A.—Yes.

Q.—And in paragraph 10 you discuss certain reasons for mild opposition at any rate at the present time ?

A.—Yes. These are the grounds that most of us have heard and which are most talked of.

Q.—You recognise that the second objection is by far the most important and that is the regrettable communal differences ?

A.—I do not attach any more importance to the second than to the 1st or 3rd. I know it is being made much of, but I think it is being made much of without adequate reason.

Q.—But you say in your own writing that the second objection is by far the most important ?

A.—As far as those who put forward those grounds are concerned. I do not endorse them.

Q.—I misread it then ?

A.—I am sorry if I did not put it very clearly. I wanted it to be definitely understood that the second objection is the one that is being made most of.

Q.—You admit that it is regarded by many broad thinking men and men who wish for the advance of self-Governing India as an obstacle at present ?

A.—It might prove an obstacle, you mean, if not correctly handled. My point is that it can be very well handled and it is feasible of solution and satisfactory solution. Therefore I do not look upon it as an insurmountable difficulty.

Q.—I am very glad to hear that it can be solved satisfactorily. But why has not that satisfactory solution not been arrived at ?

A.—Because there have been so many various other factors and under-currents and other aspirations which have been raised.

Q.—I am not trying to catch you. But I want to clearly understand this point ?

A.—I am here, Sir Arthur, to put frankly before the Committee what I feel and what I am convinced of. I feel that there are so many various under-currents in this matter that too much is being made of this.

Q.—You think too much is being made of these communal differenecs ?

A.—The thing is capable of solution and is capable of a satisfactory solution if it is handled in the correct manner.

Q.—There were similar differences in other countries and they have been removed. Take my own country for instance. In the 16th century there were what you would call communal differences, religious differences, which were very acute ; and these communal differences between the Hindus and the Moslems are chiefly religious. Aren't they ?

A.—Based on separate religions.

Q.—And as those religious differences have been removed in my own country, so no doubt in course of time they will be removed here ?

A.—Yes.

Q.—You say here " The wiser alternative is not to postpone constitutional reform till the dawn of the millenium "—which I suppose is many years hence—" but to devise machinery which would reduce communal friction." Who should devise the machinery ? You do not expect the Government to do that ?

A.—Why not ? It is the Government.

Q.—The Hindus and the Muhammadans themselves should settle their religious differences. In all such matters we have been told by many that Government is looked upon with considerable suspicion. Therefore it appears to me that it should be done by the two communities. Would you endorse the view that the devising of a scheme really falls upon the two communities themselves ?

A.—If the Government had nothing to do even when disturbances took place, one could say that the people should look after this themselves. Government have to interfere for the sake of peace and order ; and therefore it is also the duty of Government to prevent it. In order to prevent any breach of peace, Government must take the lead in devising the machinery. Private agencies have been doing something in that direction. The latest is the notable Unity Conference at Delhi. But you can easily realise how much more weight such an effort of private agency would carry if the Government began correspondingly to devise the preventive machinery.

Q.—And you do not think that if the Government took some sort of action it would not be regarded as oppressive by one community or the other ?

A.—It is a question of a Board on which both sides would be represented and the local Magistrate or whoever it may be would bring them both together. Government might name the officer. He will consult people and if there is any trouble and the dispute cannot be settled and if strong views are expressed, he will inform the Government of India that feelings are getting strained.

Q.—If Government has to devise a scheme, it must interfere with religion ?

A.—No.

Q.—The differences are all religious ?

A.—They are made religious. I personally believe they are not religious. They are capable of being put at the door of religion. Where does religion come in, in the question whether music should be allowed 10 feet from a mosque or 9 feet or 11 feet ?

(*Mr. Chairman*).—*Q.*—In every district that I am acquainted with the District Magistrate has conciliation boards with the leading Hindus and the leading Muhammadans.

A.—Exactly. I wonder if you will care to enlighten me whether there were district boards at Delhi or Allahabad or Lucknow or in the other place Shajahanpur. What is the reason for things coming with a sort of electric suddenness ? I do not at all want to have the privilege of putting questions to the chair, but I would like to be enlightened.

(*Sir Muhammad Shafi*).—*Q.*—What you really have in mind is the question of a permanent machinery or conciliation board and not merely the taking of action when an occasion arises ?

A.—Then it is too late, Sir.

(*Sir Tej Bahadur Sapru*).—Sir Purshotamdas, in reply to my question, said that what he really wanted was a statutory basis.

Q.—Any machinery of this nature would be hopeless unless it was really backed by the leading members of both communities and wholeheartedly supported ?

A.—I think the leading members of both communities, as far as I am able to judge—and it has never been doubted till now—are really for preventing these. But the hooligans create it and then the two communities are said to be wide apart.

(*Mr. Chairman*).—*Q.*—You have no experience of northern India ?

A.—What I said refers to Bombay. I have no experience of feeling in northern India.

Q.—Bombay has been quiet for some time ?

A.—Bombay has also had its share of these troubles.

Q.—Still not so serious ?

A.—The Bombay Government in their latest communiqué on the 11th of this month have stated that there was some sort of inflammable writing in press going on. These things do filter down.

Q.—Turning to the Central Government, do you agree with the present constitution of the Legislative Assembly ? Do you agree that it is properly elected ? Have you any objection to the constitution of the Legislative Assembly, have you any criticism to make on it ?

A.—The only criticism I have to make of it is that you have nominated members.

Q.—Supposing you eliminated the nominated Members ?

A.—And the Government officials.

Q.—Beyond those two minor points, you have no objection to the Assembly ?

A.—I have not heard of any.

Q.—I understand you have some objection to the Council of State ?

A.—I once was a Member of that House myself, and I do not think I have said a word about it. I do not want to criticize the Council of State.

Q.—Please do not think I am taking that point up because I am a Member. In your scheme I understand you had not in mind a second chamber like the Council of State ?

A.—I can say this, that the Council of State as at present constituted and the way in which it has been carrying on does not inspire confidence in the Indian public. That is a general remark one can make. Whether it is right or wrong is a different matter, but the present constitution and the way in which things are carried there do not inspire confidence in the public.

(*Sir Muhammad Shafi*).—*Q.*—Is not the existing constitution of the Council of State more democratic than that of the Upper House in England, the House of Lords ?

A.—I am not in a position to make that comparison, I have not gone into it. It is quite possible it may be so.

(*Mr. Chairman*).—*Q.*—At any rate I will put to you that the constitution of the House of Lords is hereditary while the Council of State is elected ?

A.—It may be so.

(*Sir Muhammad Shafi*).—*Q.*—Has not the Council of State got an elected majority ?

A.—It may be. That makes the criticism of the Indian public all the more pertinent if I may put it so.

Q.—Because it has a non-official majority ?

A.—In spite of having a non-official majority, very few of the aspirations of the Indian public find an echo in the Council of State.

(*Sir Tej Bahadur Sapru*).—*Q.*—I suppose it all depends on who the non-officials are.

Q.—Perhaps they have a commercial mind ?

A.—Or a mind which is divided.

Q.—There is only one further question. You are in favour of complete autonomy for Bombay ?

A.—Why for Bombay only, for all provinces including Bombay.

Q.—You are in favour of complete provincial autonomy for Bombay ?

A.—In common with the other provinces.

Q.—Yes or no for Bombay ? I cannot see there is any difficulty in answering that question ?

A.—If you will allow me to answer it as the answer should be.

(*Mr. Chairman*).—*Q.*—The question is, are you in favour of provincial autonomy for Bombay ?

A.—I said, yes, in common with the other provinces.

Q.—Would you agree to any one province being given a greater measure of self-government than another ?

(*Mr. Chairman*).—That is what you indicate in paragraph 12.

A.—I should like to make that quite clear. My attitude is that the step should be uniform for all the provinces, but if it is felt after full

enquiry that in a certain province the more important and bigger questions cannot be adequately dealt with by the Council there, the reservations in the shape of powers of veto of the Governor may be a bit more elaborate, or certain sections may be taken over from them. But I certainly think that the measures of advance should be uniform in all the provinces.

(*Sir Muhammad Shafi*).—*Q.*—Don't you think, with reference to that particular point, that if a greater advance were to be conceded to one province as compared with another, that very fact will give rise to political discontent in the province in which the reforms are not given ?

A.—Certainly, therefore I say the advance should be uniform in all the provinces. If after enquiry you feel that a certain province is not capable of handling certain subjects to the fullest extent, then the power of veto to the Governor may be a bit more elaborate for a time.

(*Mr. Chairman*).—*Q.*—Speaking for yourself, you have travelled over India, would you say the conditions are uniform ? You have been to the North West Frontier, Bengal ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—To Assam ?

A.—Not to Assam.

(*Mr. Chairman*).—*Q.*—To Baluchistan, Coorg, do you say there is any difference in political advance in the major provinces ?

A.—It would look so, but I certainly think they would all be right and work it very well with a little reservation or more powers of veto to the Governor for a certain period.

Q.—May I put the question in another way. Would you consider a more progressive province should be kept back for one which is not so progressive ?

A.—I think India must be treated as a whole, and the whole must go forward or not, as necessary.

(*Mr. Chairman*).—*Q.*—Bombay must wait on Assam ?

A.—I do not know whether Assam would not make up the leeway.

Sir Sivaswamy Aiyer.—*Q.*—The North West Frontier ?

A.—The North West Frontier has not got a Council. I do not think the North West Frontier or Baluchistan need be mentioned.

Q.—You were asked by the Chairman with regard to the last two sentences of paragraph 4 of your memorandum, whether the masses are able to appreciate the benefits of good administration. I suppose you mean they are able to appreciate the benefits are they, or are they not ?

A.—Certainly.

Q.—Do the masses care very much for the forms of administration ? Do they understand dyarchy or forms of government ?

A.—They do understand where they come in touch with an Indian as the controlling officer, where a Minister goes to, say, Gujerat, and sees the cultivators in a certain district.

Q.—You seem to draw a distinction in the last two sentences between the loyalty of the intelligensia who understand the benefits of good administration, and the loyalty of others who apparently cannot do so. What I want to know is this : do you suggest there that the masses, apart from the intelligensia, cannot appreciate the benefits of good administration, or may be able to appreciate the benefits but not perhaps the forms of government and abstract questions of constitutional law, is that what you mean ?

A.—A good thing is appreciated by the masses as much as by the classes. My whole reference in that paragraph is to the differences which are sought to be made between the Indian masses and the intelligensia.

Q.—But what is the inability you attribute to the masses ?

A.—The contentment of the intelligensia and the contentment and loyalty of the masses is what would count in good administration of the country.

Q.—How is the loyalty of the intelligensia more valuable to the State than the loyalty of the masses ?

A.—Because they help you in your legislation. They help in guiding you as to what would contribute to the welfare of the masses.

Q.—So it is not a question of difference in loyalty, but of difference in capacity ?

A.—It is a question of difference in loyalty in this way. The section to which I refer there and which tries to make this difference between classes and masses, says as long as you keep the masses *kushi* (happy), it does not matter what the intelligensia think or do. I say that is wrong. You must look after the interests of both and the contentment of both.

Q.—Is it your point that a rational or enlightened loyalty is better than an instinctive loyalty ?

A.—Is as much desirable as the other. Both are equally good, but the one need not be disregarded.

Q.—In paragraph 10 you say :—" I feel that though the present electorates are small, they are capable of expansion provided that, capacity to appreciate one's immediate interests rather than literacy is made the criterion of eligibility." You say literacy is one of the qualifications ?

A.—That is what has been suggested and I say that until you have a greater percentage of literacy, if this was also included, you could easily expand your electorates, that is all.

Q.—What I want to know is whether you suggest that literacy is now a qualification for the franchise ?

A.—No I understand it is not.

Q.—And you suggest that literacy should not be a qualification for the franchise hereafter too ?

A.—Not the only qualification.

Q.—You suggest in paragraph 11 that no legislation which is likely to affect the interests of a community or a backward class adversely should be passed unless it is supported by a three-fourths majority of the local Council. Do you think that there has been any legislation in the past adversely affecting the interests of minorities and backward classes ?

A.—I am not aware of any.

Q.—Do you think that if legislation adversely affects minorities or backward classes, it should be passed provided it has a three-fourths majority at its back ?

A.—Personally I do not think with that stipulation, it would ever get through. I think a three-fourths majority is an adequate safeguard.

(*Sir Muhammad Shafi*).—*Q.*—Even against the wishes of the minority affected that three-fourths majority should carry it ?

A.—My reply is that with a three-fourths majority provided for in the statute, I do not think any legislation harmful to the minority would ever get through the Council. You have got to provide something, either three-quarters or 80 per cent. or something, and I think three-quarters is adequate. If it is not, raise it, make it a little more strict.

Q.—I want to know whether you would pass that legislation against them merely because you had a three-fouths majority.

(*Sir Muhammad Shafi*).—*Q.*—Supposing it was a piece of social legislation which was acceptable to the three-fourths majority in the Council but was not acceptable to the community whose representation in the Council was only 10 per cent., would you force that social legislation on that community simply because you had a three-fourths majority ?

A.—If the thing was so very objectionable to that particular community who would be affected, and if in spite of that opposition the thing was passed by the Assembly, I personally think the Second House would take care to see it was blocked.

(*Mr. Chairman*).—*Q.*—I take it this is based on the Lucknow Pact—this three-fourths majority ?

A.—I didn't know it was in the Lucknow Pact. I simply thought that a three-fourths majority would give adequate protection.

Q.—I wish to know whether you would not express your idea better by cutting out the word " adversely ".

(*Mr. Chairman*).—*Q.*—That I think is what Sir Purshotamdas meant. Let us proceed ?

A.—You may affect, Sir, a backward class for its betterment in which case of course that legislation would not affect it adversely. I therefore particularly put in the word " adversely ".

(*Mr. Chairman*).—*Q.*—I don't think we need go further into that.

Q.—In paragraph 18 you discuss the question of the Army and you have said that even apart from the employment of British experts you do contemplate the continued employment of British troops in India.

A.—As I explained in answer to the Chairman.

Q.—What is your idea—that British units should continue to be employed for as long a period as we can foresee or for a certain period only ?

A.—Until there is a better understanding between the Indian public and British vested interests. The confidence is not there I am afraid at present.

Q.—The only limitation you would impose is this that when the British residents feel that they no longer require the support of the British Army you will dispense with it ?

A.—That will be the minimum period.

Q.—What will be the maximum period ?

A.—Well I don't know what should be the maximum period. That will take me into quite another subject. I think this is good enough for us to go on with.

Q.—When you say you contemplate the continued employment of British troops you mean their continued employment in their present strength or in possibly diminished strength ?

A.—My scheme is more or less for introduction immediately and what I am referring to there is as to what should be done during the next 5 or 10 years. Then I hope the numbers will eventually diminish and the British vested interests will have much greater confidence in the Indian troops controlled by Indian Ministers than at present.

Q.—You were a member of the Inchcape Committee and you went into all these questions. I would like to know whether you have any present suggestions to offer with regard to the continuance of the present strength of the British troops.

(*Mr. Chairman*).—*Q.*—That is a little outside the scope of our enquiry, Sir Sivaswamy. I know you are very interested in that but I think we might go on to the next point.

Q.—With regard to foreign policy at page 9, paragraph 19, you say that we " should be at liberty to negotiate and conclude treaties of a commercial and quasi-political character which do not affect other parts of the Empire but in matters touching or calculated to raise broad issues of Imperial importance there should be full consultation between the component parts of the Empire in order to ensure complete unity of action and understanding ". Do you include our border questions with Afghanistan among questions of foreign policy or not ?

A.—Yes, I certainly think our border questions with Afghanistan affect India. . . .

Q.—No, is that a question of foreign policy within the meaning of this paragraph ?

A.—Yes it is.

Q.—And is it your suggestion that in dealing with the problem of our relations with Afghanistan and other States on the frontier we should consult Canada and Australia before we take action ?

A.—Not necessarily. That is what affects us immediately and most directly and I think least affects the other parts of the Empire. We are the most concerned with that for our safety.

Q.—But in paragraph 19 you deal with foreign affairs and in paragraph 20 you deal with what you call political affairs, political relations inside India. In paragraph 19 you don't draw any distinction between Afghanistan and other foreign questions and I wish to know whether in dealing with the Afghan problem or our relations with other States on the border of India you would insist on full consultation between component parts of the Empire ?

(*Mr. Chairman*).—I suggest to Sir Purshotamdas that the test would be whether it involved any Imperial question. I mean a frontier question might involve any Imperial question.

A.—It might and to that extent they may have to be consulted ; otherwise it concerns us directly and immediately.

(*Sir Muhammad Shafi*).—*Q.*—Supposing there was a War with Afghanistan. It may be that you may need troops from Australia, Canada and South Africa to help in such a War ?

A.—That would be a great day for India and the Empire, I think. However, it may be.

Q.—At any regard to this class of question India is to be competent and to deal with them herself ?

A.—That is so.

Q.—And if so would you leave this question to the Legislature, to the Viceroy or to the Governor General in Council.

A.—I would certainly leave it to the Cabinet in consultation with the Viceroy.

Q.—You would leave it in the hands of the responsible Ministers ?

A.—Yes.

Q.—You don't think it need be reserved for treatment by the Viveroy ?

A.—No.

Q.—Then in paragraph 20 you go on to discuss your ideas of our relaions with Indian States. Do you think it is a question of immediate importance now and here ?

A.—I think I said in reply to Sir Tej Bahadur Sapru that we can have our next step in reforms without touching that question but I certainly think we ought now not to overlook the great importance of Indian States as far as the rest of British India is concerned. We must try and devise some method by which both can move together.

Q.—Don't you think it too thorny a subject to handle now ?

A.—It will require very delicate handling I admit but I don't think we ought to leave it alone indefinitely.

Q.—And according to your conception of the Bundesrath you would still leave the Council of State in or cut it out ?

A.—It all depends on how the details are worked out. I am not particular about either leaving it in or cutting it out. I indicate the scheme broadly. You of course need another House.

Q.—I suppose it is more a casual suggestion than a considered view.

A.—I do not claim to have worked it out or to have considered it from all the various points of view.

Q.—And you say here in paragraph 21—

> " The Cabinet would differ from similar bodies in other democratic countries in that it would not be liable to resign unless it is overthrown by a three-quarters majority of the Legislative Assembly."

Do you think that is a workable scheme ?

A.—What is there about it that is not workable ?

Q.—Suppose you see there is a majority but not three-fourths against the Cabinet and the Cabinet refuses to resign. They can go on defeating every measure brought by the Cabinet and this will be productive of constant friction. But you say unless there is a three-fourths majority against it the Cabinet ought to remain in office. Don't you think it will produce friction ?

A.—No Cabinet with any sense of self-respect would stick on simply because of this provision. After one or two defeats they will find they simply cannot carry on. I have put this in as giving some safeguard to those who have any misapprehension regarding this being done.

Q.—Is it a mere safeguard against a snatch vote or is it meant as a safeguard.....

A.—I understand that some people think that a scheme like this is a little too much in advance of the times and I therefore thought that this would perhaps meet the case, but I have no apprehension that any Cabinet would stick there bearing defeat after defeat.

(*Sir Muhammad Shafi*).—What you really mean is that should there be a three-fourths majority against them it will be obligatory on them to resign. In the other case it will depend on their own good sense.

A.—Quite so.

It is something which will have the appearance of a safeguard to those who want it ?

A.—No ; It is a real safeguard.

Q.—In paragraph 22 you suggest that in the event of a difference of opinion arising between the two Houses regarding any particular measure of legislation there should be a joint session and failing agreement a measure should be in suspense for three years." If there is a joint session (there is provision for one even under the present constitution) the question will be decided according to the majority. Isn't that so ? How can there be a failure to reach an agreement. By agreement you mean decision. How can there be a failure to reach a decision at a joint session ?

A.—Even at a joint session you may find the members of the Assembly stick to their vote, and the members of the other House stick to theirs. The decision then is practically worthless. It would be no decision at all.

Q.—There must be a majority ?

A.—I know there must be a numerical majority. What you want at a joint session is for one side to convince the other, and unless you find that some members of either House change and go over and vote with the other House, unless you find there has been a real exchange (Q. "Compromise") and compromise, this again is another safeguard, if you so like to call it.

Q.—There must be a decision if there is a joint session ?

A.—Numerically ; you may be quite right.

Q.—But how are you going to distinguish between a decision reached which is a compromise and one which is not ?

A.—The voting would show that. You know the voting in each House and the voting at the joint session, and you will be able to say whether there has been any improvement in the voting at the joint session. If those who voted for or against a thing one House change their views at the joint session it certainly shows that there is more than a numerical majority.

Q.—You again suggest that it may be expedient to prescribe certain heads of legislation with regard to which any Bill unless there is a three-fourths majority in its favour should not be taken as having been passed. But that wont enable you to secure affirmative legislation. If you want

to block legislation you can block it on the ground that there is no three-fourths majority ; but if you do want legislation you cannot secure it ; you do not suggest any means of securing affirmative legislation ?

A.—Supposing a thing is required in the interests of the minorities and the others do not want to give it, then in that case, the expert draftsman will be able to devise something in that direction and I agree that it may be provided for also.

Sir Henry Moncrieff Smith.—*Q.*—In paragraph 23 you say that you consider certification by the Governor to be a crude and embarrassing constitutional device and you make that commentary in reference to your proposal for passing class legislation by a three-fourths majority. Do you intend to recommend certification to be abolished altogether ?

A.—No ; I think that certification or the power of veto should be very nominal and that it is desirable so to devise things that it should be very very rarely used ; I think it should be so devised that it should not be used at all except in very exceptional cases and in some special emergency.

Q.—Such as the throwing out of the annual taxation Bill ?

A.—I do not think that with a scheme like this there should be any fear of that at all. The Cabinet would resign in that case and there will be a fresh election. I have restricted this only to class legislation. Paragraph 23 is a continuation of 22.

(*Mr. Chairman*).—*Q.*—It is equally incompatible with 22 ?

A.—Therefore I say it should not be there at all.

Q.—If the power of certification goes altogether, would you provide any substitute for affirmative legislation at all ?

A.—No ; a fresh Cabinet would be formed.

Q.—But the Cabinet cannot pass legislation ; a fresh general election may take place and you get a house constituted just on the same lines. You realise that there is a class of legislation which must be passed ; and if the House will not pass it ?

A.—It only means that that cabinet has not the confidence of the House and it has got to go and a fresh cabinet which could command the confidence of the house, will come in.

Q.—Do you think that the experience of the last four years justifies the removal of all powers of affirmative legislation ?

A.—You mean under the present constitution or under the one that I suggest ?

Q.—With the experience of the last four years under the present constitution ?

A.—It may not ; if the system going on at present is to continue perhaps the rest of the powers also will be there and may have to be used.

Q.—Then you think that if Parliament passes a new Act of constitution for India, the moment His Majesty puts his signature to it and it becomes law there will be an instantaneous reformation in India and the Swaraj Party will be prepared to pass your taxation Bills ?

A.—Yes ; because the whole scheme will be different ; the whole idea underlying the government here will be quite different from what it is at

present which does not meet with the wishes of the people. The measures that will be put forward will be by the representatives of the people ; they will not be forced on the people against their will.

Q.—You have representatives of the people on the Legislative Assembly now ?

A.—Yes ; but there is no co-operation from the other side.

Q.—You suggest that there will be a sudden mental reformation ?

A.—Not a mental reformation, but a reformation in fact.

Q.—Coming back to paragraph 10 you say that though the present electorates are small they are capable of expansion. I take it you mean to suggest to the Committee that if they think there is any force in that argument it is open to this Committee to suggest an extension of the franchise ?

A.—Yes.

Q.—But you attach one condition to it—" Provided that capacity to appreciate one's immediate interests rather than literacy is made the criterion of eligibility." I realise your disinclination to enter into details ; but don't you think you are setting the Committee rather a hard task ?

A.—If I may point out, I am not making that a condition. I only say that the electorates are capable of expansion in this direction ; I am not making a condition.

Q.—But a proviso is a condition ?

A.—No ; if you do it the expansion can be made. If you can think of anything else by which you can make the expansion, do it ; but in my opinion with this you can make the expansion at once.

Q.—Can you suggest any standard of franchise which will secure that capacity to appreciate one's immediate interests is made the criterion ?

A.—I think I gave in reply to Sir Tej Bahadur Sapru or Sir Arthur Froom the instance of the small cultivators of Surat who asserted themselves in a matter in which perhaps.....

Q.—Would you suggest therefore a franchise which included specifically the small cultivators of Surat ?

A.—I mean it all depends upon the inquiry into the ordinary standard of intelligence of the people in each district. It is a question of detailed inquiry. I do not think I can signify to you anything in more detail.

Q.—It seems to be a very very difficult task to build up a franchise with an electoral roll like that ?

A.—I admit that it may be so ; but if you find that it is so difficult it may be discarded and something more easily understandable could be adopted ; I am not dogmatic about it at all.

Q.—In paragraph 11, dealing with the objection regarding the depressed classes and so on, you suggest an alternative to this three-fourths majority legislation. You say " I would suggest the creation of separate special institutions in the sphere of local Governments, adapted to the standards and needs of such classes....."

A.—I understand that in the Madras Presidency there are some separate institutions for the depressed classes on the lines of district and local boards where they can have free scope.....

(*Sir Sivaswami Iyer*).—*Q.*—What kind of institutions ?

A.—Local boards or some such things.

(*Dr. Paranjpye*).—*Q.*—They had a separate officer, I understand ?

A.—And a sort of Committee also ?

(*Sir Sivaswami Iyer*).—*Q.*—Except co-operative societies for the depressed classes separately they had nothing else.

A.—I shall try and get a copy of this sent to the Committee. I think I had a pamphlet on the subject.

Q.—" In the sphere of local government "—is that a slip for local self-government ?

A.—No. I mean on the lines of what has been done in Madras. I shall try and find that pamphlet which I remember to have read ; and if I cannot trace it I shall write and say that I would modify this.

Q.—One question about paragraph 12. You explain what you mean by diversity of local conditions. You justify the adjustment of the pace of progress ?

A.—Yes.

Q.—You say the advance must be uniform everywhere ?

A.—Yes.

Q.—But if after inquiry any province is found incapable of dealing with the reforms, there should be a reservation of the powers of certification and so on ?

A.—Yes. There should be some sort of safeguards.

Q.—Do you mean that the inquiry is to be made before the new constitution comes into force ?

A.—If there is any feeling at all that all provinces of India are not equally qualified for the next advance, of course there will be an inquiry.

Q.—Before it is brought into force ?

A.—Before the committee that advises this comes to that conclusion ; therefore the inquiry would precede.

Q.—You do not mean that the reservation should be the result of experience of the working of the new constitution ?

A.—No ; I mean if there is any feeling that all the provinces are not equally qualified for that—I take it that that conclusion will be arrived at after inquiry ; that is the inquiry I have in mind.

Q.—In paragraph 14 you say " The argument that the failure of dyarchy in certain provinces has engendered a spirit of scepticism and alarm in England is not sound." You mean there that it is not sound to argue that because there is scepticism and alarm in England there should be no advance, or do you mean to say that it is not a fact that there is a spirit of scepticism and alarm in England ?

A.—I think there is a spirit of scepticism and alarm in England which we hear of, and that the argument that the failure of dyarchy is fair ground or correct ground for stopping further advance is not sound ; that is what I mean.

Q.—What does that lead us to ? You say that there is a spirit of scepticism and alarm in England ; but you realise that any constitutional advance has to come from the English public ?

A.—Yes, through the Parliament.

Q.—You suggest therefore that however sceptical the English public may be as to the fitness of India that they must give an advance ?

A.—No. What I say is I hope that this spirit of scepticism and alarm is not generally prevalent and I hope that when the correct information is put before the Houses of Parliament this would not prevail. There is no question about it that there is a certain section there which does go on exaggerating the difficulties in India.

Maharaja of Burdwan.—*Q.*—Sir Purshotamdas, I understood from what you mentioned to the Chairman that whatever advance we have or whatever constitution we eventually adopt for India you are one of those who favour the continuance of the British connection with that advanced constitution. Am I right ?

A.—I think I have said that, Sir. That is, if you are only repeating the question that was put by the Chairman and Mr. Froom.

Q.—What I mean is that whatever constitution India may adopt eventually, the India that you contemplate under that constitution is to be an integral part of the British Empire ?

(*Mr. Chairman*).—*Q.*—Do you contemplate an India within the Empire or without it ?

A.—I most definitely say " yes, within the Empire ".

Q.—Then if you contemplate an India within the Empire I think you will agree with me that, whatever advance or whatever future advance you and I may expect has got to be with the good-will of the British people—or the British Parliament, to be more correct ?

A.—Yes, of course.

Q.—That being so, can you give me a picture as to when you would have an India without a certain element of the British Army in India ?

A.—You mean at what stage would it come ?

Q.—Yes, because I think you rather said it, perhaps light-heartedly, that within ten years or something like that, the British Army would have to stay for another ten years or so. I thought it was rather a sweeping statement to make and you went on to say that the maintenance of the British Army in India was more clamoured for by the British commercial people in India than by anybody else, that they were the loudest in their desire to have the maintenance of the British Army ?

A.—May I reply to your question in two parts. I didn't say it light-heartedly. I said " say for ten years, after which time it may be reconsidered ". I therefore didn't indicate at all that that was the period that I attached importance to.

Q.—That is exactly what I wanted to get at.?

A.—You may say 5 years or 10 years or 15 years, at the end of which period you may review whole thing.

Q.—But when you say that, what I want to get at is, can you give me a picture of India within the Empire without any element of the British Army in India ? That is what I want to get at ?

A.—Yes, I think that picture can be drawn sooner, and, much more truly, the earlier we have absolutely responsible government. The longer you put it off the longer will be the day when you will be able to draw that picture. The same was the case with the British Colonies and I would

like to read to you, if I may, from this book " Greater European Governments " by Lowell, where he describes the British Colonies and the evolution therein. He winds up : —

> " If the grant of self-government has reduced greatly the control of England over the colonies inhabited by people of her own race, it has also removed almost altogether the friction that existed formerly and has allowed a strong imperial sentiment to grow up. The diminution of power has been followed by an increase of loyalty. Other conditions have promoted this feeling, not least among them a change of attitude toward these colonies in England itself. One has heard nothing for many years on either side of the ocean about eventual independence. In its place one finds speculation about possible means of drawing the parts of the empire closer together."

This is what I had in my mind.

Q.—But I don't think the analogy quite holds as far as India is concerned because in most of these colonies it is different sections of the British race that have gone out to these colonies and have made the colonies what they are up to date. Can you for instance at the present moment imagine say those parts of South Africa where there are no British people being said to be an integral part of the British Empire without British regiment placed there ? My object in putting you this question is that I want you to give me a picture of India within the Empire without a certain element of the British Army in India and I say can you give me a picture of that ?

(*Mr. Chairman*).—*Q.*—What do you mean Maharaja Sahib by a picture ? Do you mean description of the military arrangements or the state of the country ?

Q.—What I want to find out is whether Sir Purshotamdas Thakurdas thinks that India within the Empire is possible to be maintained against all foreign aggression at any time with only an Indian Army ?

(*Mr. Chairman*).—Well, then, that clears the ground.

A.—I certainly say " yes " as far as foreign aggression is concerned.

Q.—That is the point I wanted. And for that purpose you make your periodical revisions to arrive at that stage say every five or ten years ?

A.—Which is that periodical revision you have in your mind ?

Q.—You would have a periodical revision to consider that time when you will eliminate the British Army entirely from India and for that purpose you would fix a time for revision every five years ?

A.—That periodical revision has nothing to do with what you mention.

(*Mr. Chairman*).—*Q.*—The Maharaja's point is, you did mention a period of ten years and you said you would look at it again after ten years, that you would review from time to time the necessity for maintaining British troops. Would you or would you not ?

A.—I am afraid, Sir, either I am not clear about his question or I have not made myself clear to him. That was based on the greater confidence between Indians and the European vested interests here, or if you like to put it, greater trust between Indians and Englishmen. That is why I said as a proof of it the present strength of the white troops should be paid for by India. As to how long that should continue, let it be for the next ten years.

Q.—The only point of the question was, would you review this point periodically ?

A.—I suppose it would have to be reviewed. As to what that period should be, if the Maharaja Sahib thinks it should be a longer period than ten years, I have no objection.

Q.—No, no. I don't fix a period. But in view of the fact that you look forward to a time in India when you could have an India within the Empire with only Indian troops, would you review this question of the elimination of white troops periodically at fixed intervals ?

A.—The answer is " yes ".

Q.—I think I mentioned just now that, whatever advance we get we would have to get with the good-will of the British Parliament ?

A.—Certainly.

Q.—That being so, supposing the British Parliament were to come to the conclusion tomorrow that the original time fixed for a revision of the Indian constitution, namely 1929 should be adhered to. Supposing that is the conclusion that the British Parliament came to. Would you advise, with your experience of the Bombay Government, would you continue with the present—what to you and to most of the public men in India at the present moment seems to be—undesirable system of dyarchy or what ? That is to say, if before 1929 you are definitely told that it must be dyarchy or nothing else—that is, no further advance ?

(*Sir Muhammad Shafi*).—*Q.*—If Parliament does not choose to introduce any modification till 1929, then you will perforce have to continue the system of dyarchy.

A.—I have such faith, Sir, in the statesmanship of the British Parliament and I have such faith in their doing full justice to India that I am sure, if this Committee or any other Committee that may be appointed, reported in accordance with correct facts here Parliament could not come to any other conclusion.

Q.—I am not concerned with the faith. I am merely asking ?

(*Mr. Chairman*).—If the British Parliament do not repeal the Government of India Act so as to destroy dyarchy, the dyarchy continues.

Q.—What I say is, that being so, would Sir Purshotamdas Thakurdas rather have dyarchy until that revision took place or would he advocate going back to the old system ?

A.—Well, I certainly think there is no question of our going back but I should certainly be very sorry both for India and Great Britain.

(*Mr. Chairman*).—*Q.*—The question really does not arise because unless the English Government amended the Government of India Act dyarchy would continue. You can't go back ?

A.—They have got to amend it every way in order to make the thing feasible.

Q.—Supposing now, you had what you call provincial autonomy, do you think that in the provinces a revising Chamber or an Upper Chamber would be necessary ?

A.—I don't think so. It would be quite enough to have one at the Central Legislature. I don't think you want one in the provinces.

Q.—You think that, even when you have full control of your purse and of your departments, that you would be quite secure and that all the

vested interests in the provinces or the Presidencies would be quite secure in one Chamber without a revising Chamber ?

A.—Yes.

Q.—Now, without going into details what is broadly your ideal of an Upper Chamber. I mean to say, I don't want the qualifications.

A.—For the Central Legislature ?

Q.—Yes. What is your ideal of an Upper Chamber for the Central Legislature. As you know in England you have an Upper Chamber at present—there has been a great deal of talk about the revision of the House of Lords which has not been taken up. At the present moment you have what is known as the Upper Chamber, the Council of State, which is I think partly elected, partly nominated (an elected majority), and those who are elected have got a sort of monetary qualification. Am I right ? Now, what is your ideal or what would be in your opinion an ideal Upper Chamber for India ?

(*Mr. Chairman*).—*Q.*—Would you have it elected, partly elected, nominated, or hereditary. Is that your point ?

Q.—I simply want to get a general idea ?

A.—I must say that I have not thought over the constitution of the Upper Chamber and therefore I am afraid I cannot say.

(*Mr. Chairman*).—*Q.*—You would probably reject the hereditary basis ?

A.—I would not like to say anything about it at all, Sir, because I do not know how it will affect the various vested interests. After all the second chamber may not play such an important part. You need not think of it until you settle what their power should be. I therefore put off thinking about it.

Q.—What I am anxious to get at is whether you think that in any further advance the second chamber has got to play a very important part.

(*Mr. Chairman*).—The witness has stated that he is not prepared to formulate his proposals.

A.—It all depends on what powers the lower house will have and what powers the upper house will have.

(*Sir Arthur Froom*).—The witness has stated that he does want a second chamber.

A.—Yes.

Q.—One more question of a general nature. The Chairman has very rightly said that if there is to be no advance, the present constitution is to continue whether we like it or not. You know what has happened in certain provinces. Apart from the fact the Ministers' salaries have been refused, the Governor had to take over the transferred departments. Supposing Parliament decided that the present constitution is to continue and the public mind of India was against it and in

consequence no self respecting Minister is found or is willing to stay on, under those circumstances what would you contemplate ?

A.—That is a question relating to the present constitution where my opinion would be of no value. I was thinking about the next step of reforms. As far as the present constitution is concerned I do not want to commit myself as to what is to happen in Bengal.

(Mr. Chairman).—Q.—The Maharaja's question is really this. In the event of any advance being refused, would you contemplate with more satisfaction the continuance of dyarchy or would you prefer that the powers should be resumed by Government ?

A.—You mean going back to the pre-reform period. As I have said, I personally think that this is impossible and if the present state of things is to continue, then Heaven help India, that is all that I will say.

Dr. Paranjpye.—*Q.*—In the last two sentences of paragraph 4 you mention that the Government must conciliate the intelligensia. Is it your view that if the intelligensia are consiliated their conciliation will filter down to the masses ?

A.—I have no doubt that if a change in the government is effected in the correct manner, the mases will feel it all the more and the intelligensia will bring it home to the masses.

Q.—In paragraph 11, with reference to what you said in reply to Sir Sivaswamy, do you contemplate a kind of *imperium in imperio.*

A.—I must try and find that small pamphlet. I think it was a sort of semi-government publication on which I based this. I am sorry I did not bring it here with me. I will send it on the Committee or I will write in and explain what exactly was in my mind.

Q.—In paragraph 12 you suggest that there need not be exact uniformity in all the provinces. You remember that both of us were members of a committee appointed by the Bombay Legislative Council to give our opinion on the reforms. We suggested that even if it was not feasible in other provinces full responsibility should be given in Bombay at least.

A.—I had not the honour of being on that committee. I think Mr. Chunilal Mehta was there and not myself.

Q.—As regards the question of second chamber, you suggest that there should be no veto. Do you think it is always possible to carry on without a veto and without also a second chamber which will have at least the power of revision or suspension ? Don't you contemplate any possibility of hasty legislation or legislation inspired by the mere impulse of the moment on which the Legislative Council would have acted differently if they had time to think over the matter ?

A.—I think with responsible government there will be very little chance of this and personally I look forward to the people who will come in the Councils, if the reforms we ask for are conceded, being more conservative than many of us think. Everybody, especially those who will be put in power will be so conservative that they may instead of going at breakneck pace say " let us settle down and then see ". Under certain emergencies or unforeseen circumstances a thing like what you say may happen but I have no apprehension.

Q.—What is your safeguard for that ? You don't want the veto and you don't want a second chamber ?

A.—I do not think the second chamber is necessary for the provinces. It is a question for further consideration and it is a question more for the constitutional lawyers.

(*Mr. Chairman*).—*Q.*—You think there should be a safeguard ?

A.—If it may be devised without upsetting the underlying principle of the scheme.

(*Sir Arthur Froom*).—*Q.*—With provincial autonomy you recognise that there will be party government in the future ?

A.—Yes.

(*Sir Arthur Froom*).—*Q.*—Having seen what party government in other countries is, don't you think that a second chamber will be necessary bearing in mind that the party government will come in ? I want you to think over it calmly.

Q.—In answer to Sir Henry Moncrieff Smith you spoke about certain mental reformations immediately on the grant of responsibility. Do you consider that it is on account of this irresponsibility that there is no adequate realisation of the actualities ? Do you think that they go in for hasty measures because they have got no responsibility ?

A.—I do not admit that they have gone in for hasty measures. The throwing out of the budget is the only thing that Sir Henry Moncrieff Smith mentioned.

Q.—In paragraph 18 you talk about the army. You have not mentioned when you contemplate the Indianisation of the army ?

A.—If I had dealt with the matter at greater length, I should have written a whole memorandum on the army.

Q.—You want the Indianisation of the army ?

A.—There is no difference of opinion about that. I have only touched here on those details which really affect the control. Once the control is as the Indian public think it should be, the other details can be worked out.

Q.—In paragraph 20 you talk about a certain federal council, the Bundesrath. Has that reference to the Native States or to provinces ? Do you contemplate that the Bundesrath should consist of representatives from the Native States and the various provinces ?

A.—In Germany I understand that various small States have representation on it. It is a question of principle, the question whether Indian States are to be brought in the second chamber where they can be in touch with British India.

Q.—You would put the provinces and the Indian States on the same footing ?

A.—I would not be prepared to say anything in reply to that. I would have to consult some constitutional lawyer about it.

(The witness then withdrew).

The Committee then adjourned till 18th October.

Saturday, the 18th October 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. Fazlul Haq, *ex*-Minister, Bengal.

EXAMINED BY THE CHAIRMAN.

Q.—Mr. Fazlul Huq, you have got two memoranda, one you submitted to the Local Government and the other is the one you have before you. Have you got a copy of it ?

A.—No. (Copy was handed over to the witness).

Q.—You were a member of the first reformed Council in Bengal ?

A.—Yes.

Q.—For the whole of the three years ?

A.—Yes.

Q.—Did you hold office during that period ?

A.—No.

Q.—What constituency did you represent ?

A.—I represented a special Muhammadan constituency, Khulna district in Bengal.

Q.—And do you still represent the same constituency ?

A.—No.

Q.—What do you represent now ?

A.—Backerganj.

Q.—Then you were elected to the second reformed Council ?

A.—Yes.

Q.—When were you appointed a Minister ?

A.—At this time in the second reformed Council.

Q.—From the beginning ?

A.—Yes.

Q.—You were the first Minister to be appointed ?

A.—Yes.

Q.—And your colleague was Mr. Ghuznavi ?

A.—Yes.

Q.—And the third Minister was appointed, Mr. Surendranath Mullick, who failed to get elected and therefore resigned ?

A.—As a matter of fact, Mr. Mullick and I were appointed together and we two chose our third colleague Mr. Ghuznavi. Then Mr. Mullick's

election was challenged and the election was set aside. He had to seek re-election and he failed.

Q.—He therefore resigned ?

A.—Yes.

Q.—Since the second reformed Council, there have been two Ministers in Bengal, only your two selves ?

A.—Yes.

Q.—Will you refer to your memorandum. You are in favour of the retention of dyarchy and you give your reasons ?

A.—Yes.

Q.—You consider that neither the electorate nor the candidates are of sufficient quality to justify a further advance and you give other reasons ?

A.—All these reasons combined.

(*Sir Muhammad Shafi*).—*Q.*—Further advance or provincial autonomy ?

A.—Provincial autonomy. The reasons that I have given all taken together are my reasons for the opinion I hold that at the present moment the retention of dyarchy is advisable.

Q.—That is, you consider that the present system should be worked further ?

A.—Yes.

Q.—In your first minute which you signed in July you made one or two suggestions, which I should like to put to you. You were in favour of a separate purse ?

A.—Yes.

Q.—Do you still adhere to that view ?

A.—Yes.

Q.—Why ? On the ground that it avoids friction ?

A.—My principal ground is that if the Ministers get a separate purse, they know what money they have in hand for carrying on the administration, and if they can effect any savings, the savings will be at their disposal.

Q.—That is it gives them more encouragement, they can reap the reward of their economy ?

A.—They could economise and work more efficiently.

Q.—Then you would like a Financial Secretary on the transferred side ?

A.—Yes.

Q.—Did you ever ask for that when you were a Minister ?

A.—As a matter of fact we have had such troublous times these 8 months that we had no breathing time to ask for anything.

Q.—The question of having a Financial Secretary was postponed ?

A.—We were only fighting for our very existence.

Q.—Are you satisfied with the arrangements in Bengal in regard to the franchise, particularly the representation of Muhammandans ?

A.—I was a party to the Lucknow Compact according to which the present franchise was granted to Bengal. But there is a very strong feeling amongst the Muhammadans in Bengal that the Muhammadan representation is very inadequate.

Q.—Do you share that view ?

A.—Personally I do not.

Q.—That is to say, you think that the Muhammadan electorate in Bengal is given reasonable representation for the present ?

A.—Yes, for the present. If the Muhammadans are more advanced, gradually and when the time for revision comes, they will have more seats.

Q.—But as the thing stands at present, you are satisfied ?

A.—It is quite satisfactory.

Q.—But there is another school of opinion, there are Muhammadans who take a different view ?

A.—Yes.

Q.—I see you make a great point of the financial difficulty created by the provincial contributions ?

A.—Yes.

Q.—And you suggest that income-tax and jute export tax should be placed at the disposal of the Government of Bengal ?

A.—Yes.

Q.—Have you any idea as to what loss that would involve on the Central Government ?

A.—I cannot be quite accurate as to figures, but I can say this much, the export duty on jute is something like 3 crores. It may be 2½ crores ; it is somewhat between 2 and 3 crores.

Q.—That is about correct.

A.—Now, the proceeds of income-tax being entirely central now, being taken away from Bengal, it causes us a loss of nearly 3½ crores. Because we had about 7 crores—I am talking of 1920-21 figures. That causes us a loss of 3½ crores. As against that we have got Land Revenue. In Bengal the Land Revenue went only about a little over 2 crores or say 3 crores and we have gained 1½ crores. Where we gained 1½ crores, we lost 3½ crores. That ought to be made up.

Q.—If your proposal is given effect to, it would result in a loss to the Central Government of something like 7½ crores. Isn't that rather a large sum ?

A.—That is so far as the Central Government is concerned. They know how to find the money. I am talking from the Bengal point of view.

Q.—You would increase the revenues of Bengal by 70 per cent. ?

A.—I do not want both. As a matter of fact, if we get only a portion of the export duty on jute we can, I think, put our finances in order.

Q.—Therefore, you modify your recommendation to that extent ?

A.—That is what we ought to get. If we cannot get that, I am for the other proposal.

Q.—Do you consider the position of the Minister would be more satisfactory if he had an extra income of 7½ crores ?

A.—Yes, I would consider so. The entire Government as a matter of fact is in a very risky condition in Bengal. I do not think even if you have full provincial autonomy it can go on unless the finances are put in order ; and those who clamour for provincial autonomy do not fully realise the seriousness of the situation.

Q.—Now, you were a Minister and you were brought into contact with the permanent officials. We have heard a good deal about the difficulties of working with the permanent officials. Did you experience any ?

A.—Not in the least. As a matter of fact, I have said most emphatically that our relations have been of the most cordial character.

Q.—What were your relations with your brother Minister ? Did you go in for joint consultation ?

A.—As a matter of fact all the members of the Government did meet and consult jointly.

Q.—And you had the freest consultation with your colleagues, official and non-official ?

A.—Yes.

Q.—May I take it that your relations were satisfactory ?

A.—Yes, our relations were satisfactory.

Q.—The other day we were told that a good deal of bribery and corruption took place in Bengal. I should like to hear what you have to say on that point in connection with the recent voting in the Bengal Legislative Council.

A.—We have definite information that votes were really purchased.

Q.—I am not enquiring naturally into the details of such an occurrence. I want your opinion as to whether corruption was prevalent ?

A.—It was prevalent.

Q.—Do you regard that as a satisfactory circumstance ?

A.—It is entirely unsatisfactory.

Q.—Are you aware that in certain constitutions, such as the American constitution and the Canadian constitution, to bribe an elected representative for his vote in the Legislature is a criminal offence ?

A.—Yes.

Q.—Would you be in favour of making it a criminal offence in India ?

A.—Yes, I would be.

Q.—You regard it as an anomaly that it is a criminal offence to bribe an elector in an election while it is not a criminal offence to bribe a representative who is elected ? You regard that as an anomaly ?

A.—Yes, quite so.

Q.—It has also been said that during the elections and after the elections in Bengal there was intimidation. What is your view about that ?

A.—That is a fact.

Q.—It is a fact that intimidation was practised ?

A.—Yes.

Q.—We were told that the Government of Bengal were afraid to enforce the decrees of the civil court owing to fear of criticism by the majority of the Bengal Legislative Council ?

A.—I am not aware of that.

Q.—The reference I think was to some incident at Tarkeswar.

A.—I am not aware of it.

Q.—You have no reason to believe that ?

A.—I could not give any opinion one way or the other.

(*Maharaja of Burdwan*).—*Q.*—The case the Chairman has dealt with was in connection with Tarkeswar. I put a question to Sir Provash Mitter about Tarkeswar and he said there was a negation of law and order because the Receiver who was appointed was not put into power, and when the Chairman asked a supplementary question, he said the Government of Bengal were afraid to put the Receiver into power, or in other words to put this order of the civil courts into operation because they were afraid of the Legislative Council ?

A.—I could not say anything one way or the other.

(*Maharaja of Burdwan*).—*Q.*—Do you think that is an accurate statement ?

A.—I do not think it is accurate.

(*Maharaja of Burdwan*).—*Q.*—You have no information ?

A.—No.

(*Maharaja of Burdwan*).—*Q.*—So far as you were concerned that was not the case ?

A.—I never heard it as a Member of the Government.

(*Sir Sivaswamy Aiyer*).—*Q.*—Was the Receiver put in possession ?

A.—I do not know the details.

Q.—There is one other matter, Mr. Huq. It has been represented in some of the information that has been laid before us that the present system by which the salaries of Ministers are liable, not merely to reduction, but to complete refusal is in present circumstances unsatisfactory in this country. It has been suggested that it makes the position of the Minister too uncertain to allow not merely a vote by way of reduction but an entire refusal of pay. What is your view about that ?

A.—I think that total refusal should be rendered impossible.

Q.—You would propose that reduction by way of a vote of censure should result in resignation, but there should be no power entirely to refuse salaries ?

A.—Yes.

Q.—A nominal reduction ?

A.—A nominal reduction would mean a vote of censure. There are well known methods of passing a vote of censure.

Q.—We were told the other day that two Ministers had been defeated on the last occasion by.. .....

A.—66 to 68.

Q.—Do you recollect of the persons who voted for you how many were officials and how many non-officials ?

A.—Of the 66 there were about 18 Muhammadan elected Members, 5 elected Hindu gentlemen, that makes 23. Of the 43 there were 17 elected European Members : that leaves 26. The officials would be 13 Secretaries and other heads of departments and 4 Members of the Executive Council.

Q.—It has been suggested the division was on communal lines, that is to say all the Muhammadans voted for you and none on the other side ?

A.—No, a large number of Muhammadans voted against us.

Q.—And some of the Hindus were for you ?

A.—Four or five Hindus were for us and all the others against us.

Q.—Your own personal vote was mainly Muhammadan ?

A.—Yes.

Q.—I do not want to examine you on the position in Bengal for obvious reasons, but I should like to hear from you whether there is any party in Bengal who is in a position to form a Ministry with a permanent majority in the Council ?

A.—I do not think so. The only way would be to make every one a Minister at the same time.

Q.—That would result in a number of Ministers in excess of that contemplated in the Act ?

A.—Give them some nominal salary and make them all Ministers and it would form a very stable Ministry in Bengal. There is no limit in the Act to the number of Ministers.

Sir Muhammad Shafi.—*Q.*—As you were yourself a party to the Lucknow Pact, I can quite appreciate your hesitation to go back on that pledge, but is it not a fact that the majority of Muhammadans in Bengal feel that it is unjust to them that their population in Bengal being now 56 per cent., they should have only 40 per cent. of representation on the Bengal Council ?

A.—Yes, even at that time there was a feeling in the Council, and now it is an overwhelming majority that thinks so.

Q.—At the Lucknow meeting itself, as far as I recollect, there were only two Muhammadan representatives from Bengal, Nawab Ali Chaudhri and yourself who were a party to that Pact ?

A.—And Abul Kasem.

Q.—Even at that time Nawab Ali Chaudhri dissented from that Pact ?

A.—Yes, and it took us two days to induce him to agree.

Q.—Now, would I be right in saying that the majority of the Muhammadan representatives in Bengal in your own Council are dissatisfied with that Pact ?

A.—Yes, they are dissatisfied with the representation of Muhammadans.

Q.—You were a member of the first Chelmsford-Montagu Reform Council ?

A.—Yes.

Q.—And you took an active part in the proceedings of that Council ?

A.—Yes.

Q.—I am referring to those three years; did you notice any sign of friction between the reserved half and the transferred half of the local Government ?

A.—Of course, I was not in the inner counsels of Government, but as an outsider, as a Member of the Legislative Council, I did not observe nor hear the Ministers making any complaint.

Q.—In so far as you are aware, the working of the Reform Scheme during those three years from this point of view was successful ?

A.—Yes.

Q.—Since the election of the new Bengal Council you have already told us the working of the Reform scheme as between the Ministers and the Executive Councillors has been very smooth ?

A.—Yes.

Q.—And so far as the services are concerned, you are satisfied with the way in which the machinery of Local Government has worked ?

A.—Yes.

Q.—In spite of the fact that the appointment and control of the All-India services operating in the transferred fields is in the hands not of the Ministers or the Local Government, but of the Secretary of State ?

A.—Yes.

Q.—You are aware that the Lee Commission recommended the provincialisation of these services, and in future the control and appointment will be in the hands of the Local Governments. Therefore after this reform has been introduced, the working will be still more smooth ?

A.—Yes.

Q.—You are also aware that the Joint Select Committee of the two Houses recommended that the Governors in their relations to the Ministers should adopt this attitude, that if they differed from the Ministers in regard to any particular measure, they should try and convince the Ministers, but if, in spite of their efforts the Ministers still insist upon the measures contemplated by them, they should give way and let the responsibility rest on the shoulders of the Ministers ?

A.—Yes.

Q.—Now, if that recommendation is acted on by the Governor, and the services operating in the transferred field are under the complete control of Local Governments, is there any reason whatever why the transferred subjects should not be administered to the satisfaction of the Indian public ?

A.—I have no apprehensions like that.

Q.—When I suggested to the Chairman, with his permission, that instead of saying " further advance " the question should be with regard to " complete autonomy ", my meaning was this. You have certain subjects which are reserved at present and others are transferred. Are you opposed to the transfer of further subjects to the charge of the Ministers ?

A.—There may be one or two subjects even now transferred, for instance the Judicial Department may be transferred, perhaps even Land Revenue.

(*Mr. Chairman*).—I think I must call the attention of the witness to his statement that he would strongly resist any advance in transferring subjects to Ministers ?

A.—There are one or two subjects which might be transferred without any risk of injury to public interests.

Q.—Let me put it the other way. What are the subjects which you consider in existing political conditions, should not be transferred ?

A.—Police, General Administration.

Q.—Law and Order ?

A.—Law and Order.

Q.—Revenue ?

A.—Land Revenue may be transferred.

Q.—With the exception of these subjects, with regard to the other subjects your opinion is favourable to transfer ?

A.—Yes, you might try the experiment if you want to satisfy popular opinion.

(*Mr. Chairman*).—*Q.*—Do you think popular opinion would be satisfied ?

A.—There are some who would never be satisfied, but there are some who may be satisfied.

Q.—One of the recommendations made by the Joint Select Committee was that where the Executive Government, be it the Central, the Provincial and the Legislature, are in agreement with regard to any particular measure, the Secretary of State's control in those circumstances should be relaxed ?

A.—Yes.

Q.—Are you content to leave it at that or would you frame a rule to that effect under section 19-A of the Government of India Act ?

A.—I would not go so far as framing a rule; I would leave it at that.

(*Mr. Chairman*).—*Q.*—You would rely on a convention ?

A.—Yes.

Q.—Supposing in regard to any provincial matter the whole of the provincial Government, Ministers and Executive Councillors as well as the Governor, were in agreement, would you in such circumstances relax the control of higher authority ?

(*Mr. Chairman*).—*Q.*—Does that mean with the Legislature ?

Q.—Supposing the matter had not come before the Legislature but with regard to it the entire Local Government, the Executive Councillors, the Ministers and the Governor were in agreement, would you relax the control of the higher authorities in those circumstances ?

A.—Yes.

Q.—Similarly with regard to the Government of India ?

A.—Yes.

Q.—Now in your province with regard to the maintenance of separate electorates for Muhammadans, what is the feeling of the Muhammadan community ?

A.—There is a very strong feeling that it must be maintained.

Q.—They would resent any interference with the existing state of things so far as that is concerned ?

A.—Of course. That is a condition precedent for anything.

Maharaja of Burdwan.—*Q.*—Before I put some definite questions with regard to the memorandum which you have submitted, I want to ask you one question first of all and that is this. Although I don't think you have been a member of the Bengal Legislative Council quite so long as I was, yet you were a member of the Bengal Legislative Council before the Reforms were introduced ?

A.—Yes, from the early Minto-Morley days.

Q.—I think you and I were colleagues togteher practically from 1909 ?

A.—From 1912.

Q.—Now it has been pointed out to me from several quarters that the dignity of the Provincial Council what it used to be when the Governor presided compared with the dignity of the Council when it is presided over by a nominated President, as at the present moment, is very different. Do you subscribe to that view or not ?

A.—Yes I do.

Q.—Subscribing to that view you, however, will also have to admit that in the new Council there were and are some " old boys " like yourself and myself and several others ?

A.—Yes.

Q.—Now, who are the ones that have been responsible for lowering that dignity of the Provincial Legislative Council—the newer and younger bloods or the newer element that has been introduced by the expansion of the franchise ?

A.—The newer element introduced by the expansion of the franchise.

(*Dr. Paranjpye*).—*Q.*—Has there been a lowering of dignity at all ?

A.—I should think so.

Q.—That being so, do you think that if you further expand your franchise that dignity is likely to suffer more or not ?

A.—Oh yes, it will.

Q.—If that be your view how would you safeguard that dignity, because after all it does not matter whether you have provincial autonomy or whether you advance, it is necessary for all Indians to try and maintain the dignity of the Legislative Council as a whole. That being so how are you going to safeguard that dignity in your legislative body ?

A.—The best safeguard would be to proceed at a cautious pace and slowly, not going too fast. You will improve as you go on.

Q.—Very well, would you consider it a cautious step then not to broaden your franchise any further ?

A.—Not at the present moment.

Q.—But you would not advocate what we may call narrowing the franchise. I mean what you have granted you cannot very well take away ?

A.—There can be no going back.

Q.—Since you cannot go back then, how are you going to restore that old dignity or to that extent if the new element is bound to go on increasing in your Councils ?

A.—More and more as the electors realise their responsibility they will return a much better lot of men to the Legislative Council.

Q.—Thank you for the answer. That is the answer I wanted. Therefore you think that until the electors realise their full responsibility in returning not only respectable but responsible legislators no further advance in Bengal, at any rate in lowering the franchise, should be made ?

A.—I have said so in my memorandum.

Q.—I know that but I am asking to see whether you are emphatic on that point ?

A.—Yes.

Q.—Now, regarding what you just now said to Sir Muhammad Shafi I take it that you are in favour of the continuance of dyarchy as it appears from your memorandum also ; therefore there is no need for me to go into

that question in any great detail; but in regard to what you told Sir Muhammad Shafi a moment ago, namely, that you would be inclined to transfer the Judicial and Land Revenue Departments from the reserved side to the transferred side, you said you would not be inclined to transfer certain other departments. Now can you, before I put you any questions regarding your views as to why Land Revenue and Judicial should be transferred, give me any definite reasons why you think that Police, Law and Order and General Administration cannot be transferred at the present moment in Bengal ?

A.—If these Departments were transferred they would at once be exploited for party purposes. I mean a good deal of patronage would be in the hands of the party in power and they would exploit it for party purposes just as at the present moment the Calcutta Corporation has been exploited for party purposes against us.

Q.—It is very difficult for me to see in what way the departments of Law and Order would be exploited for party purposes and I do not want to ask you any details about it, but do you think that, with the formation of parties as they now exist in Bengal, the Departments of Law and Order would be terrorised by this party ?

A.—They may be.

Q.—Do you think the morale of the services would also go if they were transferred and the present party came into power ?

A.—Yes, they would be exploited for party purposes and that would have a tendency to lower the morale of the services.

Q.—For instance, do you think that the detection of revolutionary crime would suffer if Law and Order were transferred in Bengal at the present moment ?

A.—I think so and my reason is that the police will be diverted from their legitimate duty in order to serve the party ends of the men in power.

Q.—Thank you. Now turning to Land Revenue I believe in some parts of Barisal where new reclamation takes place permanent settlement does not exist ?

A.—Yes, the colonization area.

Q.—But you know that elsewhere whether it is an evil or not you have got the permanent settlement in Bengal and you also know that in the permanent settlement it is not only the big zamindars who are interested. In fact in many cases the big zamindar is a sufferer where he has been over-assessed like myself; but the interest lies not only among the big zamindars but among what we may call the middle-men and therefore there would be a tough fight between those who wanted to revoke the permanent settlement and the vested interests in Bengal ?

A.—Yes.

Q.—Do you think vested interests would be sufficiently safeguarded by a mere transfer of Land Revenue from the reserved side to the transferred side or to safeguard those interests you would have to supplement the present powers of the Governor with special powers ?

A.—I don't think any special powers will be necessary. If I may be permitted to explain my answer, what I mean is this. As at present advised, I have already said that I would like to see the present system of dyarchy given a fair trial. It has not had a trial at all. The 8 months we were in office we never knew what dyarchy was. We were fighting for

our very existence and in the 3 previous years there were certain movements in the country which prevented many people from entering the Councils. Now what I say is this—that personally and as at present advised, I am not in favour of any further transfer but if any transfer is necessary we might experiment with it in the Departments I have mentioned.

Q.—Now take the Department of Land Revenue and Forests. Supposing you did transfer that. I am not prepared myself as a zamindar of Bengal to welcome that change immediately but I do see that these departments will have to be transferred some time or other in every province. Supposing they were going to be transferred tomorrow would you transfer them without any further safeguards ? I am talking of Land Revenue at the present moment ?

A.—What I think is this. The proper safeguard would be that the present Legislative Council will realise that if the permanent settlement is taken away the security which the ryots enjoy will also be taken away as a necessary consequence.

Q.—What I mean is this. There may be two kinds of safeguards. One kind of safeguard—excuse my suggesting it—would be the Governor will say " This is not a matter for legislation; it should be beyond the purview of the Legislative Council."

(*Mr. Chairman*).—*Q.*—What is your exact point, Maharaja ?

Q.—What I want to get at is this. Take the permanent settlement. Supposing the Legislative Council were to pass a Resolution tomorrow that the permanent settlement be annulled, should that be given effect to by the Local Government or should that form a Central subject because when you come to consider the perament settlement in Bengal it was the Imperial Government who granted it?

(*Mr. Chairman*).—*Q.*—Do you see any danger to the permanent settlement resulting from the transfer of Land Revenue ? That is how I understand the question ?

A.—Personally, at the present moment, I do not see any danger; but with regard to the question that was put to me by the Maharaja, I would rather not transfer a subject than transfer it and then put limitations on it.

Q.—Now regarding Judicial, you said that experiment might be made by transferring Judicial. I believe you are aware that in a recent bomb case in Calcutta the High Court Judge—I won't mention his name—and the whole Jury were intimidated.

(*Mr. Chairman*).—The case is still under trial, Maharaja. Even if you do not mention names, the names are very easily adduced. I think we had better leave that question.

Q.—Do you think, if Judicial were transferred, these things would frequently happen ?

A.—I have said that if it were transferred there is a risk.

Q.—You said that for the exploitation of party purposes it would be dangerous to transfer Law and Order. Don't you think the same thing would apply with equal force to Judicial ?

A.—With less force comparatively. If any experiment is to be tried I would transfer that subject.

Q.—Don't you think that a certain class of your Judges or Sub-Judges, whoever the men may be, may be easily intimidated ?

A.—Not so easily as an ordinary policeman.

Q.—You therefore think Judicial is a safer subject to transfer than Law and Order—safer in comparison with Law and Order ?

A.—Yes, comparatively.

(*Sir Muhammad Shafi*).—*Q.*—With regard to this Judicial may I put one question ? Is not the appointment of the Judges of the High Court in the hands of His Majesty's Government rather than the Local Government ?

A.—Yes.

Q.—And so far as the appointment of District and Sessions Judges is concerned, is not that work in effect done by the High Court ? I mean the appointment of Sub-Judges is done by the High Court ?

(*Mr. Chairman*).—No, under the Local Government Act it is done by the Local Government.

Q.—Now you have said, Mr. Fazal Haq, that you would be more inclined if any transfers are made to experiment with Land Revenue and Judicial, and you have given your reasons and you have also said certain other departments should not be transferred for the present. That would mean the continuance of dyarchy perhaps with a little more expansion ?

A.—If you transfer some more subjects, you will have some more Ministers and make the Ministry more stable in Bengal.

Q.—Under ordinary circumstances the next Parliamentary inquiry is fixed for 1929 and this is 1924 ; for the next five years in Bengal would you be satisfied with the subjects now transferred or would you, during this period, think that an experiment might be made by the transfer of Land Revenue and Judicial ?

A.—I would rather work the present life of the Council, for the next two years and more with the subjects that have been transferred before thinking of any further transfers.

Q.—At least up to 1926 or 1927 you would not be inclined to transfer any more subjects ?

A.—Unless by transferring more subjects you appoint more Ministers.

Q.—That is rather a cynical view ; but coming to practical politics you do not think it would be advisable to transfer any further subjects till 1927 ?

A.—No.

Q.—In January 1919 when you gave evidence before the Subjects Committee on behalf of the Muslim League you said that you were against retaining any subject, that you were for transferring every subject ?

A.—Yes.

Q.—May I know why this change of view has taken place since then ?

A.—I have grown wiser with experience.

Q.—I am glad to find that you are frank.

A.—I have to admit that ; I acknowledge my mistake.

Q.—When you do transfer more subjects, would you advocate the creation of a second or revising chamber in the provinces, in order to have better control over your Legislative Council ?

A.—I do not look upon a Second Chamber in the nature of any limitation of power ; I therefore think it advisable to have one.

Q.—When you have full responsible government, and all the subjects are transferred, do you think it would be a good safeguard against the actions of the Legislative Council to have an Upper House in a province ? In other words, would an Upper House in the provinces have the effect of being able to correct the mistake of a Lower Chamber ?

A.—I have no experience really of these Upper Houses.

Q.—Do you think that as an abstract proposition you would favour an Upper House in your province ?

A.—I would not object.

Q.—You would not advocate it ?

A.—No, I would not advocate it.

Q.—It has been said that had a motion of a vote of censure against you and your colleague been permitted, probably the Ministers' salaries would have been granted in Bengal. You will permit my putting this personal question not with any desire to ask you to mention a matter which must naturally be unpleasant to you but it has been put to me that had the Government of Bengal or the President of the Legislative Council allowed a vote of censure—which those that have mentioned the matter to me say would undoubtedly have been carried—the Ministers' salaries would have been granted and there would not have been the end of dyarchy in Bengal ?

A.—I do not believe that.

Q.—You have reasons to think that would not have happened ?

A.—Yes, and my reasons are these : Even on the 26th of August when the voting took place, there were tabled certain resolutions which would have had the effect, if carried, of a vote of non-confidence in the sitting Ministers ; therefore, even if the salaries had been passed, there were other motions which could have been moved and which might have been carried if the Council wanted to take advantage of the situation to mark its want of confidence in us. My own belief is that a majority of the votes were passed against us—I regret very much I have to say it—simply because the sitting Ministers were Muhammadans. Secondly, there were many members who knew that what they were doing was not quite the right thing, but they had not the courage of their convictions and they went and cast their votes with the Swarajists. As a matter of fact, I know of one gentleman whose name I will not mention who was that very morning terrorised and who was not in the Council and who did not have the courage to come and vote for us.

Q.—I want to ask you one further question ; nobody has ever cast any slur on your loyalty as a patriot ; but it has been pointed out to me by one or two friends that you and Mr. Ghuznavi were misled by your own party in this matter for having held office longer than you ought to have done and that you two were really responsible for the destruction of the very dyarchy which you now advocate the maintenance of till 1929. Is this accusation in any way true ?

A.—It is absolutely wrong.

Q.—A late Minister in Bengal the other day, gave us various reasons as to why the Moderate Party does not exist practically in Bengal at the present moment ; and I questioned him as to whether it was not a fact that when the Bengal Municipal Act was passed in the last Council two

of your Ministers openly canvassed against each other on the question of communal representation and as to whether it was not a fact that from that moment the party of the late Ministers in Bengal—not yourself—but of the last Council really went to pieces. Do you agree with that view or not ?

A.—The Hindu-Muslim question may have been acute at that moment. I was really one of two Muhammadan members who did not agree with the majority of the Muhammadan members.

Q.—You were not so strong about communal representation ? You would have been willing to a mixed electorate ?

A.—Yes, for communal representation but not through communal electorates ; I held the view that I have held all along ; but the overwhelming majority except two or three of us were of opinion that it should be communal representation through communal electorates and feelings ran high at that moment ; but my own belief is that they subsequently subsided. I could give my own reasons for the Moderate Party not existing.

Q.—Do you think that was one of the reasons ?

A.—I do not think that was one of the reasons.

Dr. Paranjpye.—*Q.*—You make some general remarks on page 1 of your memorandum : you say " It is evident that under the conditions prevailing in a modern province, those alone would get into power under a system of representative government who are ahead of the rest in education and all other matters which determine the selection of those in whose hands authority is to be vested." Can you tell us any other way in which authority can be vested in anybody's hands at all ?

A.—No, I cannot ; therefore the transference of power by means of granting responsible government would lead to the circumstances I have mentioned.

Q.—Can you point to any other country in which power goes into the hands of people for reasons other than these ?

A.—No ; I want to make the position clear ; take facts as they are ; there are various communities in unequal stages of political development. I do not object to power going into the hands of those who are fit to exercise that power.

Q.—Are not Education and other matters which determine the selection of those in whose hands authority is to be vested sufficient ?

A.—Not education alone ; a man may write a very good essay on the life of Milton but may be a failure as an administrator.

Q.—Other matters, social work, stake in the country, etc. ?

A.—Sound judgment, capacity to form quick decision, energy and character—these are not all covered by education.

Q.—You mean education and other matters ?

A.—No ; take the case of a large community which is wanting both in education and in those other matters ; they will be absolutely unrepresented in the Councils of Government.

Q.—How are they going to develop ?

A.—By waiting and waiting and trying to bring up those communities to a certain level and not making any risk experiments.

Q.—Until then you will not have any advance ?

A.—Most unfortunate ; but in the fitness of things and in justice to other communities you cannot make any risky experiments.

Q.—Because one community is unfit, you would not give any of the other communities a chance to advance ?

A.—Unless you can raise the communities that are unfit, it will be risky to make experiments.

Q.—Would not that in itself be an incentive to the other communities to come up ?

A.—There is a Persian proverb which says " till you come up to me, I go up to Heaven." By the time these backward communities come up, the others would have monopolised everything and the backward communities will go out of existence.

Q.—Further down you say " Nowhere at any time in the world's history has the experiment of responsible government been tried amongst warring creeds and communities." You are a great student of history and politics and you have been a public man ; do you remember the instance of Transvaal ?

A.—Yes.

Q.—Responsible government was given there two or three years after the close of the war and it has proved a success there with warring communities and different races ?

A.—I am not quite aware of the conditions in Transvaal, but from what I have heard the conditions there are not quite satisfactory.

(*Sir Muhammad Shafi*).—*Q.*—May I put a question ? Is it not true that self-government in South Africa has been granted to the white races and not to the aborigines of South Africa ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—And that the white races are Christians and have the same community of interest and religion, as against the local population ?

A.—Yes.

Q.—If it is not given to all communities, it has been given to two communities which were at war with each other and which were different racially ?

A.—But they are more or less homogeneous so far as religion is concerned.

Q.—In Canada also ?

A.—Yes.

Q.—There the French and the British communities were entirely distinct ?

A.—As between them there were no religious animosities.

Q.—Oh yes. there was—there were Catholics and Protestants ?

A.—Well, not so much as we have out in India.

Q.—Well, then you consider—in the very last sentence of the second paragraph—that at present " dyarchy only affords as valuable training ground to the peoples but enables the experiment to be tried with the minimum risks to the public interests." Now, I put it to you, that, when a new experiment is to be tried, it should be tried in the best possible way so that the difficulties of that new experiment will be as few as possible. Don't you think that in that view dyarchy creates a lot of difficulties ?

A.—I have tried hard to understand what those difficulties are but I have never yet been able to understand.

Q.—I will give you an instance. I suppose you have been touring in your electorates and in the province, when you were an ordinary member and also a Minister. Well, there has been public dissatisfaction against several measures of Government for instance—whether rightly or wrongly—against the measures of Government for keeping law and order. Well, now, don't you think that, although the Ministers were not responsible for these measures, they have always been held by the public to be responsible for them ?

A.—The public were misled by designing politicians into throwing on the shoulders of Ministers faults which were really due to other people.

Q.—The constitution allows this misleading to take place by designing politicians ?

A.—So long as there are ignorant people in the world, designing people will take advantage of their ignorance.

Q.—Did the Ministers try to enlighten the electorate on this point ?

A.—Yes, when the Ministers were given an opportunity. As I have said repeatedly I have hardly had any breathing time while I was in office, but I have succeeded when I have tried the experiment.

Q.—Didn't their opponents say, he is a member of the Government and he is responsible for these oppressive measures.

A.—Dr. Paranjpye, what do you say to this. When Sir Surendranath Banerjea was seeking election, the electorates were told this is the man who doubled the value of postcards among other things. That is the kind of lies that people were told.

Q.—How are you going to guard against that ?

A.—That is the kind of difficulty which will not be removed if you take away dyarchy.

Q.—At any rate, so far as Provincial Governments are concerned, the Ministers will be responsible for the whole of the actions of the provincial Governments and they will not disclaim their responsibilities.

A.—As I have said, I cannot conceive how you prevent a man who deliberately misleads his own countrymen from carrying on his work simply because you take away dyarchy and give full responsible government.

Q.—Well, I have had experience in touring also and I have been continually faced with this question—" what did you do in this case ? You are a member of the Government and you are responsible for this." Although under the constitution I was not at all responsible in this matter, it is very difficult to take out of the minds of people the idea that Government is a whole and that therefore everybody should be held responsible ?

A.—I should like to have a better idea of the sense of justice of my countrymen. If my countrymen are so unjust that they would go against me simply because somebody else is at fault, there is no help. But I think people are sensible. If you explain to them that you are not responsible but Mr. so and so is, I don't think they will go against you.

Q.—Well, now, on the next page, you say :

> " But even the limitation of the field of Government is not enough to protect the weaker communities from the arbitrary exercise of power by the stronger communities."

We have been always hearing these generalities. Could you give me some example of the arbitrary exercise of power by the stronger communities ?

A.—We have been hearing so much because it represents the truth. What particular instance do you want ? I may get into power and I may be inclined to show favour to my own community in preference to the rest.

Q.—Would you do it ?

A.—In some cases people do.

(*Sir Arthur Froom*).—I suppose the witness is using the word, speaking personally. I don't think he need be taken upon that. Later, in the next para. under (*c*), you say :—

> " Dyarchy has not had a fair trial at all. During the first period of the Reformed Councils, a large portion of the population held aloof and full opportunity for observation was not afforded."

Now, I put it to you that, although possibly, taking the whole province and the whole population, dyarchy might not have been given the fullest trial in the provinces, the trial given to dyarchy in the first three years was really the most fair and under the most favourable circumstances ?

A.—In what way ?

Q.—Because there was not a party in the first Council which was bent on obstruction for obstruction's sake and therefore all the members that were in the first Council went on working the constitution as it existed then. If, therefore, certain people who were conversant with the old state of things say that even under those very favourable conditions of the Council dyarchy was not a success, would you be prepared to agree with that point of view ?

A.—In the first place, I do not admit that dyarchy has not been a success during the first three years.

Q.—But supposing the Ministers who were actually working dyarchy at that time think that dyarchy did not succeed even under those favourable circumstances ? I want to know whether those circumstances were favourable or not ?

A.—You will pardon me, I have read some of the evidence, but I have felt that some of these gentlemen were talking to the gallery.

Q.—Do you at any rate consider that the conditions for working dyarchy in the Councils themselves were favourable ?

A.—I consider that the conditions were fairly favourable.

Q.—Were more favourable than if the Extremists and Non-co-operators had tried to go into the Council ?

A.—If you will permit me to explain myself—what I consider a favourable circumstance is this. There must be a spirit of co-operation between the Ministers and the members of the Legislative Council. All the parties, officials and non-officials, all the communities must make up their minds to give the system a fair trial.

Q.—Was that the spirit in the last Council ?

A.—Allow me to finish. The second condition necessary is that there should be a certain section who will be in power and a certain section who will be in opposition, so that they may find out when Government is going wrong and whether the Government ought to be put right. In the first

Reformed Council there were a lot of people who had no backbone ; people who only got in because they found the doors open. And secondly, Ministers had a smooth way and never tried to exert themselves and to earn the good opinion of the people because they thought at any rate that this non-co-operation movement would go on and they would encounter no resistence.

Q.—But at any rate the Ministers had a very smooth way by your own showing ?

A.—They did nothing, and therefore they did not as a matter of fact give any evidence of what good could be done under the system of dyarchy. They took things quietly and easily because there was no opposition and they were content to let things go on.

Q.—Do you think that they did not try to do their work in the cause of the people ?

A.—I should not be sitting in judgment on the Ministers.

Q.—What was your attitude ?

A.—I got disgusted.

Q.—Did you ordinarily support the Ministers in the last Council ?

A.—In almost everything they did, so long as I considered that they were on the right path.

Q.—Did you try to get them support ?

A.—No, I did not get them any support, because most of the members were anxious to get their travelling allowance bill and did not do any work.

Q.—What were the measures which you tried to urge upon the Ministers to take up ?

A.—One point was, as I said, the injustice that has been done to Bengal by the Meston settlement.

Q.—Did not the Government move in the matter ?

A.—Yes, Government did move. I was a member of the deputation and Mr. Surendranath Mullick. Six of us came from Bengal and we pleaded our cause.

Q.—So you cannot say that the Bengal Council did not move properly and in fact they succeeded in getting their contribution cancelled ?

A.—I tried to have the Resolution passed in the Bengal Legislative Council and succeeded. In pursuance of that Resolution a deputation was sent to Government.

Q.—Well, at any rate, on that point the Ministers did their best ?

A.—We were persistent.

Q.—So that on that point the Ministers were not failures ?

A.—I never said that the Ministers were not faithful to their trust. I said the Minister found an easy time and they felt inclined not to put forth their whole energies and strength.

Q.—Well, I want to know in what direction they could have put forth their energy and strength ?

A.—In many directions.

Q.—Did you try to guide them to some measures which were practical and which it was possible for them to undertake ?

A.—In minimising expenditure and many other directions. And ultimately after a year and a half I myself ceased to take much interest in the work of the Legislative Councils. There was nothing like life in that Council. It was a lifeless thing.

Q.—It is very much alive and kicking now, I suppose ?

A.—It is more than that.

Q.—In sub-section (*d*), you say :—

"Responsible government is possible only with a sufficiently well-educated electorate. This essential condition is wanting in India."

Well, I suppose you know from history that England had responsible government for very many years and centuries, that the electorate was not very large in the early years and except within the last 100 years and it was not very well-educated. Still England enjoyed responsible government ?

A.—You see everywhere the experiment has been tried with homogeneous people and homogeneous communities.

Q.—I am pinning you down to the words mentioned. Do not always bring in different communities ?

A.—I don't bring them in ; they always come in.

Q.—I just want to know if this is an essential condition as you say here in the passage I have just read out ?

A.—I certainly think it is an essential condition.

Q.—Do you think the condition held in England ?

A.—I think so. As a matter of fact, there were not those drawbacks.

Q.—Well, you say in the next para. that your relations with the Secretaries were harmonious. Can you tell us how often you differed from your Secretaries ?

A.—On many occasions. I can tell you, Dr. Paranjpye, what method I adopted. Whenever there was any suggestion by the Secretary from which I differed, I had a free discussion with him. On many occasions he yielded ; on one or two occasions, when he did not yield, I pointed out to him that this was the action I was going to take, and not in one case did the Secretary take up the case to the Governor.

Q.—Well then, in the last para. you say that the system has been worked very well. Well now, I put it to you that Ministers could not do anything else because there were the Devolution Rules which required that in case of differences the Governor has to follow a certain procedure and even accordnig to the Act the reserved departments must get their full share before the transferred departments can get anything ?

(*Mr. Chairman*).—*Q.*—What is that based on ? Would you mind referring to it ?

Q.—I beg your pardon—not reserved departments, I meant non-voted items—non-voted items are the first charge ?

Q.—There are definite rules and consequently the reserved departments are always better placed in the case of a dispute like that ?

A.—I do not think so for this reason. For example take the authorised expenditure which must be met, for both the reserved and the transferred departments. As regards the surplus there comes in this scramble between

the Ministers and the members. Perhaps the general complaint of the Ministers is that they do not get their full share. The practice prevailing in Bengal has been whenever a scheme is put forward, as I have said in the memorandum, that the Minister has got to make out a case for the money he wants. If he succeeds he gets it and if he fails it is his fault. As regards the authorised expenditure, the reserved departments get more because from the beginning these departments need expenditure which has been authorised.

Q.—Then the reserved departments are in full efficiency and the transferred departments are capable of great development ?

A.—That means you should have more of the surplus. What I mean is this. Taking the case of Bengal, there is 11 crores expenditure. Six crores will be for the reserved departments and 5 crores for the transferred departments. I do not admit that the transferred departments are working under dyarchy with less money than these departments had when they were working previous to the reforms.

Q.—The expectation was that since these subjects were transferred to the Ministers, they would get better chance for development ?

A.—If they had got more, the Ministers would have been able to do more but it is not correct to say that simply because they had not got more money they could not do any useful work. It is a question of funds.

Q.—Did you consider the way in which the reserved department budget was framed ? Did you try to suggest any retrenchment in the reserved department in order to get more money for your own department ?

A.—I came into office in January. The money for the reserved and the transferred departments was allotted some time in October or November. Before another October came we had to resign.

Q.—You mentioned that you yourself were a party to the Lucknow Pact. The considerations by which you agreed to this Pact, I suppose, were that the Bengal Muhammadans should surrender a portion of their legitimate claims acording to population in order to help their co-religionists in other provinces ?

A.—That was the underlying idea.

Q.—Therefore it was a kind of give and take on the part of Muhammadans as well as Hindus in various provinces ?

A.—Personally I thought we should be generous towards our brethern in other provinces.

A.—Exactly they did.

Q.—That is probably what the Hindus thought also ?

Q.—If the Pact is to be reconsidered, it should be reconsidered in all its aspects and not in the case of one province only ?

A.—That is one reason why I was a party to the Pact and I do not want to go back upon it.

(*Sir Muhammad Shafi*).—*Q.*—I want to put one question on this point. As a result of your generosity your majority in Bengal was converted into a minority ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Was there a single instance in any other province in which as a result of Hindu generosity the Hindu majority was converted into a Hindu minority ?

A.—No.

Q.—You spoke about bribery and corruption in the Bengal Council. You are aware that similar charges were made on the other side ?

A.—I am prepared to show that so far as we are concerned the charges were absolutely impossible and for this reason. Take the number who voted for us. They were 66. Of this four were members of the Executive Council. They were not bribed. The Secretaries to Government and heads of departments, they were not bribed. There were five elected Hindu members, men like Raja Manilal Singh and others. The very names are a guarantee that they were above corruption. Then there were 18 European members. They were not bribed. As regards the 18 Muhammadan members, there were men like Nawab Shujat Ali and others whose very names are a guarantee that they could not be bribed. You may go through the division list and you cannot come upon the name of a single man whose name is not a guarantee. Take the list on the other side and you will find that there are amongst them.....

Q.—Was the opposition against you due to the fact that you two are Muhammadan Ministers ?

A.—I do not say all the votes. I say some of the votes are absolutely cast against us because we were Muhammadans.

Q.—How many Muhammadan members are there ?

A.—Thirty-nine.

Q.—How many did you get ?

A.—We got 18. Two were absent and the rest voted against us.

Q.—How many were against you ?

A.—Nineteen. They were not free votes at all. Thirteen of them got into the Council because they got their election expenses paid by the Swarajists.

(*Mr. Chairman*).—This point is only relevant to the inquiry before us in so far as steps are concerned which should be taken to deal with corruption. If there has been any corruption it is a subject for investigation by an independent committee and not by this Committee ?

Q.—Do you mean to say that a party should not meet the election expenses of its candidates from its funds ?

A.—A man who accepts the expenses from that party sells his liberty to that party.

Q.—You know that this is quite common in England ?

A.—We have also learnt this. At the next election we will also pay and get members.

Q.—You see nothing wrong in it ?

A.—If it is done within proper limits. If it goes beyond certain limits it may be objectionable.

Q.—You know that the Labour Members in England get their election expenses paid from party funds ?

A.—That has nothing to do with what I said.

(*Sir Muhammad Shafi*).—*Q.*—Is it not a fact that the Labour party invariably selects the best men as candidates for their constituencies ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—I think all we are concerned with is whether it is legitimate to pay expenses. Would you advise that more care should be taken to frame rules to limit those expenses ?

A.—Yes.

Q.—Under the present rules a candidate has got to send a return of his election expenses ?

A.—It is submitted as an honest list. It is seldom correct.

Q.—His opponents can sue him ?

A.—How can his opponents know ? The man may spend Rs. 10,000 and send a return of only Rs. 100.

Q.—It is very difficult to challenge the honesty of a man ?

A.—If he swears a false affidavit, you cannot detect him.

Q.—In answer to the Maharaja you said that there is a loss of dignity in the present Legislative Council ? What exactly do you mean. Do you mean that the members come from a lower strata of society or do you mean that they are less rich ?

A.—I am sorry to have to say that a large number of the members who have come to the Bengal Council belong to a much lower strata of society than the members whom we used to know in the Minto-Morley reform days.

Q.—Do you mean they are poorer ?

A.—It is not poverty alone. There are other things.

Q.—Are they less educated ?

A.—They are less educated.

Q.—Less public spirited ?

A.—Yes.

Q.—Have not done any public work ?

A.—There are many who have never been members of even local boards in their lives.

(*Sir Arthur Froom*).—*Q.*—With reference to the word dignity that you used may the Committee take it to mean a proper sense of responsibility ?

A.—Yes.

Q.—How would you ensure proper dignity among the members returned to the Council ?

A.—By allowing time to the electorate to learn their business so that they may elect people who know their business.

Q.—Are you aware that when new classes get representation in the legislative bodies older people always complain that there has been loss of dignity ?

A.—I am not aware of that.

Q.—When for instance the Labour Party came in in large numbers, complaint was made that the House of Commons has lost its dignity ?

A.—I have had no occasion to complain myself since I have been in the Council ever since the reforms began.

Sir Arthur Froom.—*Q.*—I understand you favour the retention of dyarchy ?

A.—Yes, for the present, because it gives a good training ground both to the electors and the representatives in the Council and the Ministers and also it minimises risks.

Q.—You have in your mind, as the final goal, provincial autonomy ?

A.—Yes, in course of time.

Q.—You recognise that nearly every province in India has been suffering from lack of sufficient funds. If you had had more funds, do you think you would have had all these grievances ?

A.—If there had been more money more tangible work could have been done and that might have satisfied the reasonable section of the critics.

Q.—You told the Committee that your relations with the official members of Government were most cordial ?

A.—Yes.

Q.—And that you all worked together in Bengal ?

A.—Yes.

Q.—During your term of office the party which had a majority in the Bengal Legislative Council was the Swaraj Party ?

A.—That is not exactly the case. The Swarajists could command a majority.

Q.—Do you think that they were dissatisfied with the cordiality of the relations between the Ministers and the official members of Government ?

A.—I do not think they knew anything about the relations that obtained among us.

Q.—You do not think you could have commanded the confidence of the majority in the Bengal Legislative Council if you had shown opposition to Government as a Minister ?

A.—The feeling in the present Council is whether it is good, bad or indifferent, end with dyarchy.

Q.—Can you tell the Committee why they did not vote the salaries of the Ministers ?

A.—Because some of the members were told that if the salaries of the Ministers were withheld, Bengal would get provincial autonomy. It was always thought that it was in the pockets of some of the members ?

Sir Henry Moncrieff Smith.—*Q.*—You said that the first Council became a lifeless body ?

A.—Yes.

Q.—And it was suggested to you by Dr. Paranjpye that the present Council was very much alive ?

A.—Yes.

Q.—Is the present Council alive for the purpose for which it was constituted ?

A.—Its only duty seems to be to destroy and not to work the constitution at all.

Q.—In so far as there were parties in the Council, may I take it that there was a Ministerial party and that it was one and not two because there were two Ministers ?

A.—You mean in the Council that has ended now ?

Q.—Yes.

A.—There was one party.

Q.—Do you ascribe it to the fact that both the Ministers were Muhammadans ?

A.—The persons who were supporting the Ministry supported both the Ministers.

Q.—I will put it in another way. If your colleague had been a Hindu or if a third Minister had been appointed and he had been a Hindu, do you think there would have been a solid Ministerial party ?

A.—We could have got some more Hindu votes.

Q.—You would have got a larger party which would have been prepared to support the Ministers, whether they were Hindus or Muhammadans ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—It was a disadvantage only to have had two Ministers ?

A.—Yes, it was and both were Muhammadans.

Q.—You said you opposed the transfer of Police because you thought it would be exploited for party purposes ?

A.—Yes.

Q.—It has been suggested that Ministers really cannot carry on without patronage, while other *ex*-Ministers have said that they do not want it. What is your own view ?

A.—They must have some patronage. There is nothing wrong in having patronage in your hands, provided it is exercised in the legitimate way. But if there is any tendency to make other than legitimate use of it, I would not like to leave patronage in the hands of such people.

Q.—What do you mean by a legitimate exercise of patronage ?

A.—So long as public interests do not suffer and you exercise patronage within limits. But as I was giving an example, the Calcutta Corporation is in the hands of a particular section of the politicians in Bengal. They have exploited it for party purposes and I do not think in quite a legitimate way. They have directed it against us. That influence, that power, has been exercised to gain over members of the Legislative Council to their side, to vote with them.

Q.—I have only one more question and that does not really arise out of your Memorandum. It has been suggested that the central control provided by the Government of India Act over provincial legislation has hampered the activities of Ministers. Since you became a Minister, there has been no legislation, I presume ?

A.—No, nothing. No work was done.

Q.—Did you attempt to promote any legislation ?

A.—We had no opportunity, no time, no occasion.

Q.—As a member of the first reformed council, did you at any time hear that Minister's measures or the Local Government's measures were delayed by the Government of India ?

A.—I did not hear.

Q.—You do not know of any case ?

A.—No.

Sir Tej Bahadur Sapru.—*Q.*—Mr. Fazlul Huq, in your memorandum you say that in your opinion it was a great mistake for the Imperial Government to have made the declaration of August 1917 ?

A.—I never said that.

Q.—I will give it to you. You say this. That is the second sentence. " My experience of the last few years of the political development in India has convinced me that the declaration of the Imperial Government in Parliament in August 1917 was a great mistake." I am quoting your own words ?

A.—Yes.

Q.—Now, that being your view, I suppose it does not matter to you in the slightest degree whether dyarchy is retained for 5 years or not, because logically Government will be stronger if dyarchy is abolished and we went back to the pre-reform form of Government ?

A.—Exactly. Because I do not believe the British Parliament is going to do any such thing, that is to say, as I believe there will be no going back. I think dyarchy should be retained.

Q.—I take it that your position is that dyarchy is a necessary evil ?

A.—It is a necessary evil. It is an indispensable first step.

Q.—And frankly speaking, if you had the choice you would abolish all democratic and representative institutions in India ?

A.—If I had a choice I would go back to the old days.

Q.—You believe in strong personal Government ?

A.—I do.

Q.—That is what you say here ?

A.—Yes, I do. I would go back to the period even before the Minto-Morley reforms. I will go back to those days.

Q.—You will go back to the state of things which prevailed before the Minto-Morley Scheme ?

A.—Yes.

Q.—In answer to a question put by another gentleman, you said that you have grown wiser ?

A.—Yes.

Q.—May I know when this enlightenment came to you ?

A.—It gradually dawned upon me since 1920, when the Non-co-operation movement and other things began.

Q.—I suppose it reached its perfect stage when you were defeated in the Council ?

A.—No, no. Not in the least. I expected as much when I accepted office in January. Not that I never knew it. I knew these things would come. But I accepted office to show that we were there to work dyarchy with the best of intentions. We wanted to give it a chance.

Q.—Just before the expiry of your Government, you made a speech in the course of which you said :

> " As regards the point at issue, I do not want to say anything except that so far as dyarchy is concerned, I wish with all my heart that it comes to an end to-day."

A.—I meant that we may go back to the old conditions.

Q.—Not that you wanted any further advance, but you wanted to go back to the state of things which existed before the Minto-Morley Reforms ?

A.—Yes.

Q.—May I know, Mr. Fazlul Huq, whether these views of yours were known to the electorate at the time when you stood up for election ?

A.—As a matter of fact I have always been returned unopposed to the Legislative Council since 1912.

Q.—Will you please tell the Committee whether the views which you have now put forward before this Committee were known to any section of the Council before the debate in March arose on your salary ?

A.—They were known all over the country, and I have been taken bitterly to task for these opinions of mine.

Q.—I suppose you know that the Swarajists had come deliberately into the Council with a view to abolish dyarchy ?

A.—Yes.

Q.—Were you therefore surprised when they went against you ?

A.—Not at all.

Q.—There was a complete divergence of opinion between you and them ?

A.—I was never surprised. I was fully prepared for that.

Q.—Now, assuming that you were not a Muhammadan—I am assuming that only—and that you were a Hindu and that you held these views and your views were known to the Swarajists, do you think that the Swarajists would have behaved otherwise than they did towards you ? Would they have tolerated a Hindu if he held your views ?

A.—I do not think they would have tolerated a Hindu.

Q.—Therefore, so far as your views were concerned, I take it that they were views which were condemned by them, irrespective of the fact that you were a Muhammadan or a Hindu ?

A.—Do you mean Swarajist Hindus ?

Q.—Yes.

A.—Possibly. But there are others who voted against us who were not Swarajists, but I believe they voted against us because we were Muhammadans.

Q.—So far as the Swarajist Hindus are concerned, you are now prepared to acquit them of any bias against you on the ground that you were a Muhammadan ?

A.—I do not know. The larger issue before them was to end dyarchy and the larger issue might have swallowed up lesser ones. They had a major object. This might have been latent.

Q.—The major object was to abolish dyarchy ?

A.—Other minor considerations did not come up. They might have been lurking in their minds. I do not know.

Q.—Then, Mr. Fazlul Huq, the Muhammadan electorate in Bengal generally holds the views that you hold about dyarchy ?

A.—I think so.

Q.—And the Muhammadan electorate in Bengal, I suppose, holds the view that it, would be very much better if we could go back to the pre-Minto-Morley reform days ? That is the view of the Muhammadan community of Bengal ?

A.—I believe so.

Q.—That is your belief ?

A.—Yes.

Q.—When did this opinion come generally to be held in Bengal by the Muhammadan community ?

A.—Very recently.

Q.—You mean to say in 1924 ?

A.—It may be previous to that.

Q.—That is to say between 1920 and 1924 ?

A.—Gradually.

Q.—During 1920 to 1924 ?

A.—It is very difficult to say the exact time.

Q.—Roughly speaking it was between 1920 and 1924 ? I do not ask you to be very accurate.

A.—It must be gradual.

Q.—Within the last two or three years this opinion has sprung up ?

A.—Yes.

Q.—Frankly speaking the Muhammadan community in Bengal is entirely opposed to all reforms and it is not a question with them whether there should be dyarchy or anything more than dyarchy ?

A.—I do not say that 25 million Muhammadans hold that view.

Q.—A considerable section of the Muhammadan community holds that view ?

A.—Yes.

Q.—And you represent that view ?

A.—Now I hold that view.

(*Sir Muhammad Shafi*).—*Q.*—As a result of the experience of the Muhammadans during the last three or four years ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Did it come about as a result of the rejection of the grants ?

A.—Beg your pardon.

Q.—What the Chairman (if he will permit me) and I want to know is this. Has this change in the attitude of the Muhammadans come about as a result of the rejection of the grant of the salaries ?

A.—It has accentuated that.

Q.—But that feeling was already there ?

A.—Yes.

Q.—What was the result of the first debate in March 1924 as regards the salaries ?

A.—62 to 63. That is to say I lost by one vote.

Q.—And what did you take that to be ? Did you take that to be as a vote of want of confidence in you ?

A.—I would have taken it as a vote of no-confidence if the votes had been honest votes.

Q.—The dishonesty began in March 1924 ?

A.—Dishonesty began from sometime before that.

Q.—When did it reach its climax ?

A.—It reached its climax from the time of the division on the Budget debate.

Q.—In August 1924 ?

A.—In March 1924 during the Budget Demands.

Q.—Between March 1924 and August 1924 when the final discussion took place with regard to your salaries, did you take any steps to strengthen and consolidate your position among the Muhammadans themselves ?

A.—The only element with which we could work would be the elected Hindu Members and the elected Muhammadan Members. As regards the elected Hindu gentlemen who have supported us, they were men of unimpeachable character, who, we knew, were above bribery and corruption. There was no necessity.....

Q.—The supporters are generally men of unimpeachable character ?

A.—Not necessarily. As I have said the division lists are before the whole world and they can go through the two division lists and see the supporters and non-supporters. They can at once find it out. As regards trying to consolidate our position in order to win over some of the Muhammadan members, for instance, who voted against us, we would have to use weapons which had been used by our opponents and we were not prepared to use them.

Q.—What you mean really is, you were not prepared to resort to those dishonest means which were adopted by your opponents ?

A.—And not only that, if we did, we would have had to offer higher figures.

Q.—And you were not prepared to do it ?

A.—No.

Q.—Then I take it your position is that your opponents were a pack of dishonest people ?

A.—I did not say that.

Q.—Am I right in inferring that ?

A.—No, I have not said that.

Q.—Am I right in assuming that what you wish the Committee to bear in mind is that the Muhammadans who voted against you were a pack of dishonest people ?

A.—I do not say all, some of them were. Of the Muhammadans some were won over by bribery and corruption, and some voted because their feelings of jealousy were worked upon.

Q.—Whether they voted against you because they were bribed or actuated by private motives.....

A.—Or from fear or intimidation.

Q.—They were neither honest nor courageous ?

A.—Some of them were not honest and some were not courageous.

Q.—That is your suggestion ?

A.—Some were misled.

Q.—I take it that the feelings between you and your opponents were, and even to-day are, very bitter ?

A.—No, not in the least.

Q.—Are they very sweet ?

A.—I bear no ill-will against them ; they were misled.

Q.—You are not bitter ; they are bitter against you ?

A.—May be, it is for them to say. Perhaps there are many who have repented. Only two days before I left, one gentleman came up to me and suggested that if I could get him employment somewhere, the next time voting came he would come over to my side. Some of them may be repentant, but I am not bitter against them.

(*Mr. Chairman*).—We do not want this enquiry to develop into an enquiry into bribery and corruption in Bengal. It is relevant, but I do not want to go into details.

Q.—I suppose there have been similar allegations made by your opponents against the Ministers ?

A.—Allegations are very easy to make.

Q.—I want to know ?

A.—Yes of course they have.

Q.—You were challenged in the Council ?

A.—No, not like that.

Q.—Here is your speech, you were challenged ?

A.—Challenged in this way that we bought votes, I do not think so.

(*Mr. Chairman*) *Q.*—The question you wish to put to the witness is this. Were allegations charging you with bribery and corruption made against you in the open Council ?

A.—I do not think so.

Q.—In answer to a question by Sir Muhammad Shafi you said that you would not object to the transfer of certain departments such as the Judicial Department and the Land Revenue. To the extent to which you admitted that you agreed that some departments might be transferred without serious injury, you modify your written memorandum ?

A.—I said that personally, as at present advised, I would leave things as they are, but if any further advance is thought necessary, there are certain subjects with which the experiment could be further tried.

Q.—Your personal opinion is that you would not do anything more at the present time ?

A.—For the life of the present Council.

Q.—At the end of the present Council you would probably reconsider the position ?

A.—If necessary, if I am called upon to give an opinion I might say so ; that will depend upon how things shape in these two years.

Q.—In your later memorandum you say in clause (*e*) :—

> " Not only should the electorate be educated enough to understand the significance and potentiality of the vote, but the members of the Legislature should also understand their proper functions. It is sadly lacking in our present Councils."

Do you expect by 1929 the electorate to be educated up to the standard which you have in view ?

A.—If they are not, you do not advance further.

Q.—I was coming to that. Even if in 1929 you find the electorate and members of Council do not satisfy your requirements, you would be prepared then to say dyarchy should continue ?

A.—Honestly speaking, yes, as at present advised.

Q.—But there is a possibility of your changing ?

A.—I might change my opinion.

Sir Sivaswamy Aiyer.—*Q.*—You consider representative institutions are utterly unsuited to this country for two reasons, (1) because Orientals prefer one-man rule, and (2) because India is a country of warring creeds and communities. How long have you held this opinion ? Ever since you took part in political life ?

A.—For two or three years. I have not actually given up public life. Ever since the Reforms began I have been watching and I very much regret to say I find no improvement in conditions.

Q.—Before the last two or three years you were not aware that this was a land of many creeds, communities and races ?

A.—I expected a better sense among the people and I never had any reason to regret the communal feuds which have become the order of the day at the present moment.

Q.—But you were aware of the fact that there is a diversity of creeds and communities in this country ?

A.—Yes.

Q.—And therefore this opinion that representative institutions are unsuited to this country is only an opinion of the last two or three years' growth ?

A.—It is not an opinion of the last two or three years' growth really. I have had an experience of working of representative institutions, even in a limited sphere, within the last two or three years. Before that we had no occasion to observe.

Q.—There was something like representative institutions under the Minto-Morley Reform ?

A.—Nothing worth mentioning.

Q.—Your experience was not then sufficiently discouraging ?

A.—No.

Q.—Now with your present opinions, based on the working of the Reforms, you would go back upon the Reforms ?

A.—I would not willingly go back upon the Reforms ; I still hope for the best. I still hope that better conditions will prevail and there will be more of harmony and co-operation between all classes of people and we will be able to work dyarchy to such an extent that we will be able fairly to claim more and gradually gain autonomy.

Q.—But you expressed yourself somewhat more strongly in your first opinion. You said that representative institutions are no more suited to this country than hot-house flowers to a polar region. Don't you think it is putting it much too strongly ?

A.—It is an opinion.

Q.—Do you still adhere to that statement ?

A.—At the present moment I do, but it may be that it is put more strongly than it should have been ; I might modify it later.

Q.—I merely wish to know your exact opinion. I wish to call attention to the statement you have made in your first memorandum that you can no more expect representative institutions in their proper form to flourish in India than you could expect hot-house flowers to blossom in the icy north. From that statement one would be disposed to infer that you think representative institutions can never have a chance in this country.

A.—My metaphor may be incorrect or it may be conditions might improve.

Q.—Do you still adhere to that statement, or would you wish to modify it ?

A.—At the present moment I do adhere to it.

Q.—But you think the experience of a few years may lead you to change this ?

A.—Oh yes, I am not pessimistic ; I am optimistic.

Q.—You said a little while ago that you were not able to understand what the difficulties of dyarchy were, and so far as your experience goes, it has been worked successfully and satisfactorily, apart from the question of deficiency of funds. Then you do not think there is any necessity for any improvement in the present system for some time to come at any rate ?

A.—Yes, I think so.

Q.—You had a colleague in Nawab Ali Chaudhri ?

A.—He was in the previous Council.

Q.—You say in your first memorandum, " As for the rest, I agree generally with the remarks of Nawab Ali Chaudhri on the suggested remedies for removing some of the defects in the constitution." ?

A.—That was in regard to a separate purse.

Q.—He does make suggestion for removing these defects and you agree with him ?

A.—Yes.

Q.—So there are some defects ?

A.—It is a human institution and there are some defects.

Q.—Does dyarchy merely share the ordinary incidents of imperfection of all human institutions or a little more ?

A.—It is very difficult to answer that question. It is a human institution and it has got human defects ; I do not think it has got special super-human defects.

Q.—Nor more than the average share of defects ?

A.—Nor extraordinary defects.

Q.—Nor anything calling for a remedy ?

A.—I do not say so ; If there are some small defects here and there they may be remedied.

Q.—You said your relations with the Secretaries were happy ?

A.—Yes.

Q.—You had no complaint ?

A.—Personally I had no complaint.

Q.—You are aware that Nawab Ali Chaudhri bitterly complained about his relations with the Secretaries and said that the rules of business which are framed by the Governor of the Province under section 49 (2) of the Government of India Act have practically made the Ministers in Bengal subordinate to their Secretaries. In fact the rules of business in Bengal have been so framed as to defeat the object of the Government of India Act, which is to make the Ministers independent of the Secretaries in the matter of the administration of transferred subjects. That was his complaint ?

A.—That is a statement of fact by Nawab Ali Chaudhry. With that I do not agree.

Q.—Nor do you agree with the suggestion ?

A.—I agree with the suggestion, although I don't agree with the statement of facts.

Q.—If the facts are not as stated why should there be any change in the rules.

A.—It does not matter. He may have his reasons. I may have other reasons. He may make out a very good case for a change. I say if this change is introduced it may make things better ; otherwise things can go on as they are.

Q.—Do you think the relations between Ministers and Secretaries stand in need of any change or improvement.

(*Mr. Chairman*).—*Q.*—May I put it to you, Sir Sivaswamy, that you are mixing up two questions. Personal relations between a Member and his Secretary may be perfectly friendly, but it may be wise to change the constitutional relations. You put it that way to the witness. I think you are rather mixing up two things.

Q.—I will assume that the relations between you and the Secretaries personally have been perfectly cordial but would you nevertheless make any change in the rules regulating your relations with the Secretaries ?

A.—If they are changed perhaps it would make the position of the Ministers stronger. But as the rules stand I do not think that the Secretary would needlessly interfere with the independence of the Minister. It all depends on the Secretary and the Minister.

Q.—Do I understand you to say that it is possible to get on under the existing rules but that it would be better if the rules were changed ?

A.—It depends on what the Ministers want them to be. Personally if I were given a chance I would not think that these rules would hamper me, but if other Ministers think these rules ought not to be there, they may be changed.

Q.—With your experience as a Minister do you wish to see them changed ?

A.—My brief experience has been that these rules have not stood in my way.

Q.—Then you do not desire a change ?

A.—If somebody else wants it I do not wish to stand in the way.

Q.—Then this is not one of the remarks with which you agree ?

A.—I do agree with it. If he wants the change so much the better.

Q.—Then you think it would be an improvement.

A.—Supposing there are 14 Ministers. Two of them think the present rules sufficient and the rest think a slight change would be better, then I should agree with that.

Q.—You would be willing to defer to their opinion ?

A.—Yes.

Q.—You say that the transferred departments should have a separate purse.

A.—I agree with that.

Q.—That is what you suggest. You agree with the suggestion that the transferred departments should have a separate purse ?

A.—Yes.

Q.—You are aware that when the suggestion was first made the country generally was against it ?

A.—Yes.

Q.—But have you had any reason to change your opinion since ?

A.—Well in the beginning the country was very much against any proposal to have a lower salary for the Ministers as compared with the Members of the Executive Council, but directly the local Government said the salaries should be equal, the country said they should be lower.

Q.—Very well, then you think a separate purse would be an advantage ?

A.—I think so.

Q.—I think you said your relations with the Finance Department were also quite cordial ?

A.—Well, my experience was very brief. I really have not had.....

Q.—A sufficiently long experience ?

A.—Yes.

Q.—Now though it is your wish to go back, if possible, from the reforms you still suggest these improvements in the hope that they may produce a better state of things in the future ?

A.—I mean going back is only a counsel of despair. I would rather, as I said, hope for better things.

Q.—You said there was an objection now to the Lucknow Pact ?

A.—Yes, in Bengal the Muhammadans thought that the representation was inadequate because although they were 54 per cent. of the population they had only 40 per cent. of the elected Indian seats.

Q.—What is your own opinion ? Do you think the Lucknow Pact should be revised or left alone ?

(*Mr. Chairman*).—He has answered that question.

A.—Personally I do not share the objection.

Q.—You would stick to it ?

A.—Yes.

Q.—Now you said you had no objection to the transfer of Judicial but some objection to the transfer of Law and Order. You said if there is to be a transfer, Judicial may be transferred and Land Revenue also but Law and Order and Police should not be transferred.

A.—Comparatively I said.

Q.—But I don't quite understand how if Judicial is transferred Law and Order may be kept reserved. What is the distinction between Judicial and Law and Order ? I don't quite follow. Can there be Law and Order apart from Judicial ?

A.—Law and Order is really bound up with Police or General Administration, with the Executive Government, and Judicial with the administration of Munsif, Sub-Judges, District Judges, etc.

(*Mr. Chairman*).—*Q.*—You don't include the Magistrates in Judicial. You mean Civil Judicial. You exclude the Criminal Judiciary. You take that as a part of the General Administration ?

A.—Yes.

Q.—Now, when you said Judicial should be transferred did you or did you not include Criminal administration ?

A.—There are two sides—the executive side and the actual judicial side. There is a combination of the judiciary and the executive so far as that is concerned.

Q.—Do I understand Judicial to include both the Civil and Criminal judiciary. Is it in that sense you used the word ?

A.—No, I exclude the criminal judiciary.

(*Mr. Chairman*).—Q.—That is included in General Administration ?

A.—Yes.

Q.—Then while you are willing to transfer Civil judicial administration, you have an objection to the transfer of criminal judicial administration ?

A.—Yes.

Q.—And you don't mind transferring Land Revenues ?

A.—No.

Q.—What is your objection to the transfer of criminal judicial administration. You think it may be perverted ?

A.—It may be perverted for party purposes.

Q.—And you think the people will not take sufficient interest in the maintenance of a proper standard of administration ?

A.—It will take some time before popular opinion asserts itself ?

Q.—Are you aware of the existence of a body called the Parliamentary Moslem Association ?

A.—Where ?

Q.—Here in connection with the Legislative Assembly ?

A.—I have read about it ; but I have been member of the Moslem League, not of the Parliamentary Moslem Party in the Legislative Assembly.

Q.—Would you recommend any advance in the Central Government, any constitutional advance in the sphere of the Central Government ?

(*Sir Tej Bahadur Sapru.*)—*Q.*—He is opposed to dyarchy. I think the Central Government is out of the question.

Q.—Are you in favour of any advance in the sphere of the Central Government ?

A.—You mean another experiment in dyarchy ?

Q.—I am only asking ?

A.—I am in favour of no more experiments at the present moment.

Q.—I may tell you that this Parliamentary Moslem Party, which includes a number of your Calcutta friends, are in favour of an advance in the sphere of the Central Government ?

A.—I don't know.

(*Dr. Paranjpye*).—*Q.*—You said just now you were member of the Moslem League. Do you agree with the recommendations made by the League ?

A.—Which recommendations ?

(*Dr. Paranjpye*).—*Q.*—I mean the recommendations made by the Punjab Moslem League ?

A.—Only recently ?

(*Dr. Paranjpye*).—Yes.

A.—Well, I agree with some of the recommendations.

(*Dr. Paranjpye*).—And the Resolution they passed at their Lahore meeting ?

A.—I was not present there but I agree with some of the recommendations, not with all.

Q.—So whatever may be the views of the Parliamentary Moslem Party about an advance in the Central Government or provincial autonomy, you still adhere to your own views ?

A.—I adhere to my own views.

Q.—Are you in favour of the Indianisation of the Army, giving more commissions to Indians ?

A.—If you get suitable men, why not ?

Q.—Are you in favour of a more liberal policy in regard to the grant of commissions ?

(*Mr. Chairman*).—The answer has been given, Sir Sivaswamy.

Q.—Are you in favour of a more liberal policy ?

A.—The condition being that there we cannot try dangerous experiments.

Q.—I agree but do you think there are suitable men or not ?

A.—I hope there are.

Q.—And therefore you hope for a more liberal policy ?

A.—Yes.

The Chairman thanked the witness and the Committee adjourned till Monday the 20th instant.

Monday, the 20th October, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Honourable Sir John Maynard, Member of the Executive Council, Punjab.

EXAMINED BY THE CHAIRMAN.

Q.—Have you a copy of your memorandum, Sir John ?

A.—I have not got a printed one. There are one or two little mistakes in the typing of it that I should like to correct. In two places my negatives have been turned into affirmatives.

At the end of paragraph 14 " Members by Ministers " should be " Members and Ministers."

In paragraph 18, line 9, " *the* difference of principle " should be " *no* difference of principle ".

In paragraph 24, line 4, the word ' new ' has been omitted before ' proposals ' ; it should be inserted there.

Paragraph 28 has been omitted in the printed memorandum ; I have got it in manuscript here.

In paragraph 36, line 2, ' has ' should be ' had '.

In paragraph 59 at the end, ' by a witness ' should be ' during the examination of a witness."

In paragraph 60 " both Education and Irrigation " should be " Education, Co-operation and Irrigation ".

Q.—I take it that you are giving evidence on behalf of the Punjab ?

A.—Yes ; I think it may be understood so ; as a matter of fact it is my own memorandum, but I think it will be approved by the Punjab Government.

Q.—The object of the Punjab Government in permitting you to give evidence is to remove any misapprehensions or misstatements that may have been put before the Committee by any witness from the Punjab ?

A.—That is the main object.

Q.—As a matter of fact you are a member of the Executive Council of the Punjab and you have been a member since the commencement of the Reforms ?

A.—Yes.

Q.—For nearly four years ?

A.—Yes.

Q.—You were a member of the Punjab Government throughout the time Lala Harkishen Lal was Minister ?

A.—Yes.

Q.—I am not going to take you at any great length through the Memorandum you have put in because in most cases it is self-explanatory, but I just want to put a few points to you. The first few paragraphs of your memorandum—1 to 7—deal mainly with legislation ?

A.—Yes.

Q.—And you there mention to us the only cases in which the Government of India have had to interfere—I take it there are no others ?

A.—No others.

Q.—As regards the first paragraph it refers to a Bill regarding Land Revenue. Am I right in thinking that land revenue is a reserved subject in the Punjab ?

A.—Yes.

Q.—That paragraph has no bearing on anything to do with the Ministers ?

A.—No.

Q.—It is purely a matter between the Punjab Government and the Government of India on the reserved side ?

A.—Purely.

Q.—Then you tell us about the position of tramways in the Punjab in paragraph 4 ; you take notice of the fact that there has been some feeling that progress was delayed by the Railway Board ?

A.—That was the feeling.

Q.—But the Railway Board were not interfering directly with the tramway project, were they ? They were merely exercising their powers for the protection of railways ?

A.—That is so.

Q.—Railways is a central subject ?

A.—Yes.

Q.—And you consider that it should remain as a central subject ?

A.—Yes.

Q.—And if it is a central subject the authority who deals with that subject must naturally exercise some supervision ?

A.—Quite.

Q.—Now, you also tell us there has been no legislation in regard to Electricity, Co-operation and Communications. Paragraph 6.

A.—Yes.

Q.—When you say there has been no legislation, am I right in supposing there has been no project for legislation ?

A.—Yes, no project. Except, of course, this project of provincial legislation on tramways.

Q.—Not otherwise ?

A.—No.

Q.—Then in paragraph 7, you tell us that no instance has occurred in which the Local Government has failed upon application to obtain advances from the Government of India for capital developments under these heads. Could you tell us if the Government of India have given an advance ?

A.—Oh yes.

Q.—In no instance has it ever been refused ?

A.—They have not been given for specific objects but they have been given for general capital purposes as well as for financing the Government of the Punjab's deficits.

Q.—Quite so. No money has been refused under these heads ?

A.—No. I understand there was an idea of a development loan which would have covered certain projects of this character but it never went so far as to be put forward seriously.

Q.—There was no application ?

A.—It was an idea but it was never put forward in the form of an application nor was it ever pressed by the Minister concerned.

Q.—Now, take your paragraph 8. It does not mean more than this that, whatever the powers of the Governor may be, he has no special powers in regard to legislation.

A.—No. In regard to the institution of legislation.

Q.—The projects for legislation. His powers in regard to these projects are the same as in regard to any other matters ?

A.—Yes.

Q.—Then in paragraph 10, you explain to us that the reservation of subjects for the Governor—if I understand you correctly—does not amount to more than this that the Governor takes his share with the other Members of his Government in disposing of matters. He takes his own Department ?

A.—Yes, that is the position.

Q.—You say some of these are outside the sphere of the Governor in Council altogether. I understand, of course, that under the Act, the Governor has special statutory powers. He has certain matters which are reserved to him. I don't quite understand your statement that Indian States are exeluded from the purview of the Governor in Council ?

A.—Oh, that has been the most important of our arrangements under the Reforms,—the exclusion of Native States.

Q.—I quite understand that that is a Central subject ?

A.—Yes.

Q.—It is only in that sense you mean it ? That the Indian States are a Central subject—is that what you mean ?

A.—Yes, that is what I mean.

Q.—There is no special reservation otherwise ?

A.—There is no special reservation otherwise.

Q.—Am I to understand from paragraph 11 that a Member may call for a paper on the transferred side and a Minister may call for a paper on the reserved side ?

A.—Well, the rules do not actually provide for that. What the rule says is that he may call for any paper concerning the department in his charge.

Q.—I quite see that, that is to say, if a reserved subject affects a transferred subject or if a transferred subject affects a reserved subject, it is natural in order that he may have his own views on the subject that he must see the papers ?

A.—Yes.

Q.—But I am not wrong in thinking—am I—that as a right neither a Member nor a Minister could call for a departmental paper which did not concern his department in any way ?

A.—No, not if it did not concern his department.

Q.—But if the papers did concern his department ?

A.—That has not been in practice understood as meaning merely a matter which is actually under consideration in his department, but concerning his department.

Q.—In the widest sense of the word ?

A.—Yes.

(*Dr. Paranjpye*) *Q.*—Then this statement requires to be modified, Sir John ? You say here :—

> " the right of a Member or Minister to call for papers in another department (so long as he does not seek to intervene in matters for which the Governor as such is solely responsible..... ".

A.—I think I should have said " which concerns his department in the widest sense ".

(*Sir Muhammad Shafi*).—What as a matter of fact has been the practice in your Government with regard to this matter ? Has there arisen any occasion on which, if the Minister wanted to see a file connected with the other half, his desire has been absolutely negatived ?

A.—No, certainly, no case.

I should explain in this connection that a statement is circulated to all the Members and Ministers showing the work which has been done by the other Members and Ministers. If, on that, anyone should express a desire to see a particular file on the ground that it concerned his department, it would be without question conceded.

(*Dr. Paranjpye*) *Q.*—After how many months is the statement circulated ?

A.—Oh it comes to me, I think, it is a weekly statement. I get it at regular intervals of 10 days or a fortnight. Something of that kind.

(*Maharaja of Burdwan*) *Q.*—On this question I should like to ask you a question, Sir John. Some Governments have had the practice of circulating the work done on the reserved side to other Members, but I have never heard of the practice of the Ministers' work being circulated to the Members or the Members' work being circulated to the Ministers. You say that is the practice in the Punjab. May I inquire if that has been the practice since the start ?

A.—No, not from the very start. We discovered the necessity for it, I should say, about a year after beginning.

Q.—That is the practice at present ?

A.—All the weekly cases disposed of, it does not matter whether it is by the Minister or the Member, are circulated to all the Members and

Ministers. It is just a skeleton statement—the subject and the order passed.

(*Dr. Paranjpye*) *Q.*—Not the printed proceedings, of course ?

A.—No, no, simply a statement of cases disposed of during the week.

Q.—Now paragraph 12, on the question of joint consultation. Apparently, up to recently there were no regular dates for these joint consultations ?

A.—No.

Q.—I understand it was held frequently ?

A.—Yes.

Q.—Was it the practice in the Punjab for the Governor in Council to have regular meetings and the Governor with his Ministers to have regular meetings ?

A.—No, I have only known one case in which the Governor in Council as such has held a meeting apart from the Council sitting with Ministers.

Q.—Then practically you have abolished the distinction between a meeting of the Governor in Council and the Governor and his Ministers—for all practical purposes ?

A.—Yes, for all practical purposes.

Q.—Has the Governor ever had a meeting of the Ministers—distinct meeting of the transferred half ?

A.—No, I believe not.

Q.—It has practically disappeared ?

A.—Yes.

Q.—In paragraph 13 you mention two cases where joint discussions did not take place. One was about the admission of members of different communities to certain educational institutions and the other was the alteration of the constitution of certain Municipalities. Could you tell me roughly in what year those occurred ? Was it recently or early in the reforms ? That is the point ?

A.—Well, it must have been in 1922, because I remember the protest which certain Members of Council made against it and that was certainly in 1922. I am safe in saying that.

Q.—The Members protested ?

A.—Certain Members of the Legislative Council.

Q.—How did they come to know it ?

A.—I cannot tell you how they came to know. I think it was perfectly well known—it was public property the thing had been considered.

Q.—I take it the proceedings of the meetings of Government are still treated as confidential ?

A.—Oh yes.

(*Sir Muhammad Shafi*).—*Q.*—May I remind you that the matter was first discussed in the columns of the " Tribune " and that is how the public came to know of it ?

A.—Very likely that is how it came out.

Q.—In paragraph 15, Sir John, you say that part of the Government was away and something affecting the Sikh situation came up in November 1922 and the decision of the Government was arrived at by the

Minister of Agriculture and yourself. I assume that the matter had nothing to do with the transferred subject of Agriculture ?

A.—Nothing, no.

Q.—Did you regard yourselves as two Members of Government or did you regard yourself as the Member in charge of the subject desiring to avail yourself of the advice of a Minister ?

A.—I regarded myself as a Member of a unitary Government.

Q.—And you and the Ministers of Agriculture both regarded yourselves as coming to a decision on behalf of the Government ?

A.—Of course, I cannot be certain what line he took.

Q.—Well, at any rate you so regarded yourself ?

A.—Yes, I regarded myself as that.

Q.—It was your subject ?

A.—Yes, it was my subject.

Q.—And you called in your brother Minister as a Member of the same Government to help you in coming to a decision ?

A.—Yes.

Q.—And you would have considered it wrong to come to a decision unless he agreed with you.

A.—Yes.

Q.—Supposing he differed ?

A.—Well, yes, supposing we differed and I had been quite certain that I was right and it was a very urgent matter, I should have acted on my own decision.

Q.—But if it was not an urgent matter ?

A.—Then I should have waited.

Q.—In paragraph 16 you say there were only three cases where there was really a division between the two halves of the Government. I mean real division when it was pressed to a difference ?

A.—Yes, it did not come to the recording of Minutes of Dissent but there was a definite difference of opinion.

Q.—Then you say that the first case was the question of maintaining law and order ?

A.—Yes.

Q.—I take it that law and order is a reserved subject ?

A.—Yes.

Q.—And for that the Ministers had no responsibility ?

A.—No.

Q.—Therefore they were pressing their views on a matter for which they were not responsible ?

A.—They were pressing a more uncompromising view of the obligation of maintaining law and order.

Q.—The next was a financial question and would of course concern both halves of Government as also the third case ?

A.—Yes.

Q.—In paragraph 18 you mention the Sikh trouble in the Punjab. I should like to tell the Committee to what department of Government the Punjab Government considered that the control of gurdwaras belonged ?

A.—Technically, it belonged to the Minister for Education.

Q.—Therefore it was a transferred subject ?

A.—Yes.

Q.—When you any technically, why technically ?

A.—Because it is one of the subjects which are transferred.

Q.—Then it did belong to the transferred half. Why technically ?

A.—I mean technically as opposed to practically.

Q.—And what is the distinction ?

A.—Well, practically, it belonged to the Government as a whole. It is impossible to divide off law and order from questions connected with the shrines.

Q.—Of course, I quite understand that. A movement of that kind must seriously affect lay and order but the actual Bill to deal with the subject would be a matter for the transferred department ?

A.—Yes.

Q.—Law and Order was only concerned as a secondary but a very important branch ?

A.—Yes.

Q.—But the actual regulation of the shrines is a transferred subject ?

A.—From the very first the movement took a form in which law and order was inevitably drawn in from the very beginning.

Q.—It was dealt with as a subject affecting law and order and was settled by joint consultation ?

A.—Yes.

Q.—Who actually introduced the Bill ?

A.—The Minister for Education.

Q.—On both occasions ?

A.—Yes. On both occasions on which a gurdwaras Bill was introduced it was done by the Minister of Education, but on a third occasion I drafted a Bill on the subject of jurisdiction in gurdwara cases, which involved a different method of dealing with the matter, and because it did not happen to be a matter concerning shrines but concerning civil law, it was in my hands.

Q.—I take it that in a case like that the Government acted with united Councils ?

A.—Yes.

Q.—That being so, I do not understand why one member of Government and one Minister voted with the Government and one Executive Councillor and one Minister abstained from voting. You were dealing with the Bill as a Government Bill supported by both halves of the Government ?

A.—The situation modified itself at the last moment. Hindu and Sikh feeling was so strong that the Hindu and the Sikh members of the Government simply could not make up their minds to vote for the Bill ?

Q.—In those circumstances there are other means of obtaining unanimity in the Government ?

A.—Either resignation or dismissal of a Minister ? That is so. It was of course very undesirable on a question of that kind to force resignation.

Q.—I am not concerned with the policy. I am merely drawing attention to the constitutional problem. If a Bill is dealt with as a Bill approved of by both halves of Government, then surely both halves of the Government should support it ?

A.—Yes. Quite. I may say that almost up to the last moment we believed that we had all the members of Government with us.

Q.—The change came at the last moment ?

A.—The feeling among Sikhs and Hindus was so strong. It was very difficult for a Hindu or Sikh to stand against it.

Q.—You say in paragraph 19 that a vote of censure was directed against the Muhammadan Minister of Education and that the Hindu Minister voted against the censure ? Was it Mr. Harikishen Lal ?

A.—That is the Hindu Minister.

Q.—In other words he supported his colleague ?

Q.—On that occasion at any rate you had an example of joint responsibility of Ministers ?

A.—Yes.

Q.—Can you say that joint responsibility existed otherwise that is to say, did the Ministers consult together on general policy ?

A.—They consulted informally very frequently.

Q.—Did they get into general touch ?

A.—Yes. That was my impression. They got generally into touch and very friendly touch.

Q.—I think you have given a rather different impression on that point to what we have heard before. You have explained the position as regards the Finance Department. I take it that the statement that the Finance Department could over-rule a Minister is incorrect ?

A.—Absolutely. On the contrary we have many examples of the contrary process.

Q.—I would not go through the details but there was a case about the deputation of an officer to pick up experience regarding reinforced concrete. In that case the Minister had his way ?

A.—Yes. The advice of the Finance Department was overruled.

Q.—You have given us some interesting figures in paragraph 27 showing the marked rise in expenditure in the transferred departments ; there was an increase of 35 lakhs under Education, 7 lakhs under Medical 7 lakhs under Agriculture and 8 lakhs under Industires. Can you tell us whether in your opinion this increase was due to the pressure put on the Government by the Ministers or was it just a natural development ? In other words did the creation of responsibility in the transferred half result in a flow of money to the transferred side ?

A.—In the case of education and in the case of Industries I am quite certain that it was the influence of the Ministers that caused the increase of expenditure on the reserved side.

(*Dr. Paranjpye*).—*Q.*—Can you give us the figures on the reserved side ?

A.—Our total expenditure in these years remained virtually stationary.

Q.—The increase was on the transferred side ?

A.—There was a slight diminuation on the reserved side to make up the amount on the transferred side.

Q.—The money that was reduced went to Education ?

A.—I would not put it that way. The increases which might have come evenly were more in the transferred than on the reserved subjects.

Q.—In paragraph 28 you say there has been a remarkable development in primary education. We have not got the details and I would suggest that you should put in that paragraph.

A.—I have got it here.

Q.—Will have that circulated if you will hand it over to the Secretary ?

A.—(Witness handed in some papers to Secretary). It is only a couple of pages of manuscript. The principal feature of it is that the increase in the number of persons under instruction during the three years was 150 thousand and that is more than double what it is in any other province in India. The nearest figure is Madras which was 78 thousand. The Punjab during the triennium by 1,50,000.

Q.—Should I be wrong in assuming that it was due to the influence of the Minister ?

A.—That is certainly my opinion.

Q.—Who was the Minister for Education ?

A.—Mian Fazl-i-Hussain.

Q.—With regard to what you say in paragraph 31, I take it that your view, Sir John, speaking generally is that the distinction is more between rural and urban than between Hindu and Muhammadan as regards Council voting ?

A.—That is so far the proceedings in the Council go. It is undoubtedly more a division now of the rural and urban than communal.

Q.—That is rather interesting. We have been told that the feeling between Hindu and Muhammadan is so strong that that division has replaced every other division, but that is not your view ?

A.—I hope I have not been misunderstood. I am speaking now of the proceedings in the Council.

Q.—May I take it that outside the Council the communal feeling is still very strong ?

A.—Yes, and in the Council itself there were many important differences which took the communal division line and there were also many ways in which division by community did affect politics in the Council. I can give examples of that if necessary.

Q.—I think you have given examples in your memorandum ?

A.—There is a point which I have not made quite clear and that is the way in which the communal difference caused a curious approximation between the Sikhs and the Hindus. The Hindus had formerly opposed the Sikh desire for particular concessions regarding their shrines. After the riots which took place in September 1922 the Hindus were very much alarmed at the position and afraid of the Muhammadans they began to look about them for allies and they formed a rather close alliance with the Sikhs, the result being that the Hindus and the Sikhs combined together for quite different reasons to throw out the Gurdwara Bill in November 1922. That was the direct result of what the Hindus regarded as a Muhammadan menace.

Q.—That was a clear case ?

A.—Yes, of communal feeling coming out.

Q.—In paragraph 39 you have given an analysis of the results of the voting on transferred subjects. I see that out of the total number the official vote only determined the results in six cases ?

A.—Nine, I think, out of 15.

(Sir Muhammad Shafi).—It is 8 Sir John.

A.—Yes, it is 8, quite correct.

Q.—In paragraph 40 you give us the Resolutions on the transferred side and you tell us that except in one case of importance effect was given to them ?

A.—Yes.

Q.—In section VIII of your memorandum you give us the functions of the Secretaries. You point out that the Chief Secretary has no more power than in fact any other Secretary. Am I right ?

A.—He has no more power than any other Secretary. He deals with a group of subjects which are more important such as the postings of officers and personal questions connected with officers and so on.

Q.—He is the most important Secretary ?

A.—Yes.

Q.—But his constitutional function is the same as the others ?

A.—Yes.

Q.—Save in so far as he may be a very senior man and may be listened to ?

A.—Yes.

Q.—The position of Secretaries and Members and Secretaries and Ministers is the same ?

A.—The position of Secretaries to Members and of Secretaries to Ministers is the same.

Q.—There is no distinction ?

A.—No.

Q.—A point was made that the arrangements in regard to the services were such that the Ministers were in an undignified position. You say in your examination that it is not so ?

A.—No, it is not so.

Q.—You yourself will remember that the position of a Member and a Minister is the same in this respect ?

A.—Quite so.

Q.—Have you ever felt any feeling of dissatisfaction at the arrangement that it is not a right and proper arrangement ?

A.—No.

Q.—You would be just as ready to object to it as a Minister if you feel it a slur ?

A.—If my constitutional position were overlooked I should draw attention to the matters.

Q.—Another rule of business requires that in certain cases in which heads of departments and Commissioners of Divisions are over-ruled that the Secretary should submit his minute to the Governor ?

A.—A Member or Minister is expected to refer to the Governor before negativing a recommendation of a Head of Department or Commissioner of Division.

Q.—But the mere submission of a case to the Governor does not alter the constitutional position ? Supposing the Governor disagrees with the member ?

A.—Of course you will recollect that the Governor has the power of over-ruling the Minister.

Q.—Quite so, in extreme cases ?

A.—Yes.

Q.—Supposing he disagreed with a member, he will put it on record. It would be open to the member, I take it, if the Governor did over-rule him to ask that it may be taken in Council ?

A.—That is the proper course. But in comparatively small cases occurring every day, the Governor comes to a decision and it is accepted.

Q.—You do not think it is worth while to take it up further ?

A.—Yes. What the member should do if he really thought it important is to say " I wish to have it put before the Council " It can be placed before the Council and a minute of dissent can also be recorded if the member thinks it important enough.

Q.—The Governor may take a view that is not perhaps the view members originally took. It is quite possible that when the members look at the Governor's view he will re-consider his own opinion ?

A.—Yes. When the Governor records an opinion on a file, the member does not often say " I should like to put it before the Council ". On reconsideration the member has accepted the Governor's view.

Q.—That is the constitutional position ?

A.—Yes.

Q.—That covers the position as regards the member of Council ?

A.—Yes.

Q.—What is the position as regards a Minister. I submit a case with a recommendation for action. What does the Governor do if he disagrees with it ?

A.—Probably what the Governor will do will be to ask the Minister to come and see and discuss the matter with him. Then they would arrive at a common decision. Or else, naturally the Governor has the power of over-ruling.

Q.—The Governor exercises the power ?

A.—Yes.

Q.—He would not exercise it without discussing ?

A.—No.

Q.—He only exercises that power in circumstances where he thinks that not only the decision of the Minister is wrong but it is likely to have serious results. Am I right in taking it in that way ?

A.—That, I think, is almost certainly the correct view.

(*Maharaja of Burdwan*).—*Q.*—Supposing a member of the Executive Council puts up a case regarding an appointment and the Governor does not agree with that view, in the case of a Member you have the advantage that if the member, even on reconsideration does not agree with the view of the Governor, he could have the case brought before a meeting

of the Executive Council and then if he is over-ruled he can write a note of dissent. In a similar case in the case of a Minister, if the Governor disagrees with the Minister, the Governor and the Minister would have a discussion. If even then they could not come to an agreement and the Minister stuck to his original opinion, do you think that in a case of that kind it would in any way improve the situation if the Minister had a right to have the matter referred to a Joint Meeting of the Council ?

A.—Of course it is a hypothetical case so far as the Punjab is concerned. I do not know of any case in which this particular thing has happened.

(*Sir Muhammad Shafi*).—*Q.*—Supposing a case did happen ?

Q.—It never has happened ?

A.—No. It has never happened.

Q.—I think you might leave it. I will draw your attention to the Instructions to Governors which lay down what is the course of action to be followed by him : " In considering a Minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the legislative council and to the wishes of the people of the presidency as expressed by their representatives therein ". Of course that would arise on a big question of policy.

A.—Yes.

Q.—Obviously it could not arise in the case of an appointment ?

A.—It is conceivable that a particular appointment might involve an important question of policy.

Q.—You point out that all officers were directed to call upon Members and Ministers. That, I presume, refers to a statement made to us that officers to maintain social relationship ?

A.—Yes.

Q.—Does such an order indicate any reluctance on the part of officers to mintain social relationship ?

A.—I do not think that is the case but it was considered better to give them a general instruction.

Q.—I should like to have your own opinion as one of the senior members of Council on this point, whether you have observed any reluctance on the part of the services to accept the new Ministers in a friendly spirit ?

A.—No, it is quite the contrary. When the Ministers came in everybody was quite delighted with them. They thought they would get a great deal more money from the Council for their departments. That was the actual sentiment. They thought they would get more money, because they had a good advocate in the Council.

Q.—In paragraph 53 you explain quite clearly the obscure statement that was made to us that a Minister was threatened with legal proceedings by someone in the service. It was really a portion of fulfilment of a contract ?

A.—I take it that it was not the Minister who was threatened, but it was the Government, the Secretary of State.

Q.—In other words, owing to reasons which we need not go into here, the Government were unable to perform the contract ?

A.—They did not wish to perform it.

Q.—And they were reminded that there was a remedy in the law course ?

A.—Yes.

Q.—And not more than that ?

A.—Not more than that.

Q.—There was no tendency on the part of members of the services to threaten the Minister with legal proceedings to persuade him to do something that he ought not to do ?

A.—There was only one case of an officer on a 5 years' agreement.

Q.—And then you mention another case within your own experience ?

A.—Exactly an identical case did hapen and I was concerned in that as Vice-Chancellor of the University.

Q.—Then we come to section X of your Memorandum. I think the general effect of that section is that you deny that the Government have in any way used their powers of patronage for the purpose of influencing votes.

A.—I do deny it.

Q.—I do not think I need take you any further on it. Thank you.

Sir Muhammad Shafi.—*Q.*—Sir John, in the first three paragraphs of your Memorandum you have referred to 3 Bills and then in paragraph 3 you go on to say : " These three Bills have been the only instances since the institution of the reformed administration in which there has been anything like a difference between the Government of India and the Punjab over the preliminary assent to the introduction of Bills. In two of the cases, those which affected the transferred departments the Local Government has ultimately had its way. " Am I to understand that you are perfectly satisfied with the manner in which the Government of India supervised provincial legislation in the Punjab ?

A.—You must not ask me to be quite so enthusiastic as that. I do think that the Government of India have given us very useful assistance particularly over certain matters and drafting in which, not having such an expert staff, we might have gone wrong.

Q.—You name 3 Bills in which there was some difference of opinion ?

A.—Yes.

Q.—You know of no other Bills in which there was difference of opinion during that period

A.—I know of no other cases.

Q.—In 2 out of 3 Bills, local Government had its way ?

A.—Yes.

Q.—And these two Bills referred to transferred subjects ?

A.—Yes.

Q.—So that when we come to actual concrete facts, the conclusion deducible from the facts as stated by you is this, that on whole the Government of India's supervision was exercised to your satisfaction ?

A.—Yes, but we did not quite like that matter of the Land Revenue Bill. I am not going to be more enthusiastic than I have been in my memorandum.

(*Mr. Chairman*).—*Q.*—That is a Reserved Bill ?

A.—Yes.

(*Sir Henry Moncrieff Smith*).—*Q.*—The Land Revenue Bill was not hampered in any way by the existence of Section 80A (3) of the Government of India Act. It was not a question of the Governor General's sanction. It was a question in that case of the Governor General in Council exercising his powers of superintendence, direction and control ?

A.—Quite right. I take it from you that it was so. I do not recollect the technical position.

(*Sir Henry Moncrieff Smith*).—Q.—It was so. As a matter of fact the Punjab Government applied for sanction of the Governor General to the Bill. But it was held that the sanction of the Governor General was not wanted. So anything that happened afterwards was in exercise of the Governor General in Council's powers of superintendence, direction and control ?

A.—Yes, I take it from you that it was so.

Q.—In section II of your Memorandum you deal with the subject of control of the Minister by the Governor ?

A.—Yes.

Q.—Was there any case during the first three years after the introduction of the Montagu-Chelmsford Reforms in which the Governor over-ruled any one of the two Ministers on any important question ?

A.—On any important question I could not have been ignorant of it if it had happened, and therefore I am able to say definitely ' No '.

Q.—Now, coming to section III of your Memorandum, in paragraph 14 towards the end you say " There has also been a good deal of informal consultation of Members by Ministers." Is it both in regard to reserved as well as transferred subjects ?

A.—Yes, much more in regard to reserved than in regard to transferred subjects. I do not remember cases in which I was consulted on transferred subjects, except when they were brought before the Governor in Council sitting with his Ministers or in cases where they came to me because I was the Finance Member. But I remember a great many cases in which there was informal consultation on reserved subjects between Ministers and Members.

Q.—That means that the Governor freely consulted the Ministers with regard to questions connected with the reserved side of the Government ?

A.—Well in that particular sentence I was not refering to those formal consultations at which the Governor himself is present, but the cases in which we met together in our rooms and consulted over a question.

Q.—Perhaps I should have put it that the reserved half consulted the Ministers instead of saying the Governor ?

A.—Yes that was the way.

Q.—In paragraphs 16, 17, 18 and 19 you give nine instances in all of which, except one, the Ministers acted together when differences arose between the transferred half and the reserved half or beween the Ministers and one of the Executive Councillors. In eight out of these nine instances the two Ministers stood together. There are three instances in paragraph 16 ?

A.—They are the only three cases in which the two Ministers stood together against the Executive Councillors.

Q.—In paragraphs 17 there are three instances in which the Ministers stood together against one of the Executive Councillors, that makes it six ?

A.—Yes.

Q.—Then we come to the seventh, that is the Bill of March 1921, in which the Ministers stood together ?

A.—Yes, they stood together in 1921.

Q.—Then we have the ninth case in which the two Ministers stood together ?

A.—Yes.

Q.—It is only the eighth case, that is the Gurdwara Bill of 1922 in which one of the Ministers did not vote ?

A.—Yes that is the only formal case of difference.

Q.—Out of these nine cases there are eight cases in which the Ministers stood together either against the Executive Councillors or against one of the Executive Councillors, or in connection with other matters ?

A.—Yes, that is to say those are, of course, the formal differences, the differences which disclosed themselves publicly. I cannot pretend to say what differences there may have been which did not disclose themselves.

Q.—Now if you will turn to page 20 of your memorandum, paragraph 51, there is the case of the Urban Property Rent Regulation ?

A.—Yes.

Q.—Can you tell the Committee if the Member for Education voted in support of the motion ?

A.—Yes he did.

Q.—So that at any rate we have now nine concrete instances in which the two Ministers stood together ?

A.—Of course there were many more too.

Q.—Now in so far as you are aware, apart from the second Gurdwara Bill, did any difference of opinion disclose itself during the many informal discussions or formal discussions that you had with the Ministers as between Lala Harkishan Lal and Fazl-i-Husssain ?

A.—Of course I was perfectly aware that there was a difference about communal representation.

Q.—Communal representation is a matter which stands apart. Apart from that, in the administration of the Transferred Departments generally did any difference of opinion show itself ?

A.—Apart from communal representation in its various forms of the services, institutions and municipalities, and apart from the Gurdwara Bill, did any difference of opinion disclose itself during the many informal between the Ministers.

Q.—And so far as you are aware, their relations were most cordial ?

A.—Most cordial.

(*Mr. Chairman*).—Q.—There is just one point, I would like to read you some evidence given in reference to that statement of yours. A witness was asked by a member of the Committee:—" You consulted, of course, your brother Minister ? " and he answered:—" No, I did not."

" *Q.*—Don't you think it desirable ?

"*A.*—I was told that the reading of the law was that each Ministers stood on his own. Whenever I protested to the Governor that we ought

to have cabinet meetings and we ought to have at any rate principles of policy and principles of legislation discussed, I received no encouragement from him; but I was told on the contrary that the Governor's reading of the law was that each Minister had his own responsibility.

"*Q.*—You were in through sympathy with your brother Minister ?

"*A.*—I had sympathy with his social life.

"*Q.*—With his political views ?

"*A.*—No. To some of his political views I objected very strongly.

"*Q.*—You would have found it rather difficult to have had joint consultation with him ?

"*A.*—Well, if the law provided or the Governor called us together, we would have discussed. I don't think we would have cut each other's throats or fell at each other's neck."

"*Q.*—That was the picture put before us. Are we to infer, from your own observation, that it was a correct picture ?

"*A.*—No.

Q.—In paragraph 26 you refer to a particular case in which there was a difference of opinion between a Minister and the Finance Department. In that particular case the Governor upheld the views of the Minister as against the views of the Department ?

A.—Yes he accepted the views of the Minister.

Q.—In paragraph 29 you refer to three instances in which there was voting on communal lines. I invite your attention to the third of these three instances mentioned at the bottom of page 11 in the printed book:—"There was only one other communal, or mainly communal vote in the lifetime of the first Council, on the proposed release of political prisoners." Would you kindly just explain what you mean by that ? Were the political prisoners all Hindus or all Muhammadans, or partly Hindus and partly Muhammadans ?

A.—No, what I meant was, for some reason or other all the Muhammadans voted one way on it and all the Hindus voted the other way.

Q.—What was the Government view on that occasion ?

A.—The Government view was opposed to the general release of political prisoners.

Q.—Did the Muhammadans support the Government or oppose them ?

A.—The Muhammadans supported the Government.

Q.—Then it was a case in which the Muhammadans adopted in relation to the resolution before the Council an attitude of support to the Government ?

A.—Yes.

Q.—Is that strictly speaking voting on communal lines ?

A.—What I meant by voting on communal lines was, that practically all of one community stood on one side and practically all of the other community stood on the other.

Q.—There was no communal issue involved ?

A.—No. On many of these cases there was no communal issue involved. It only happened that on some questions all of one community went one way and the other another.

Q.—It may be that the representatives of one community approved of the policy of the Government in relation to that particular question and the other did not ?

A.—That may be so, but as a matter of fact on many questions communal reasons cause people to vote one way or the other, and in this particular case it was so, not because it was a communal question. Neither are many of these other cases in which there was much communal voting. Why should Yunani medicine be a communal question ? It is not a communal question, but in that case the Muhammadans said " We are going to support our Minister whatever he may do," and the Hindus said, " We are going to down that Minister whatever he may do," and took the other line.

Q.—But you must remember that in the case which you have mentioned just now, the policy which the Muhammadan members supported was the policy of the Muhammadan Minister. In this third case it was the policy of the Punjab Government that the Muhammadan members supported, and not the policy of either of the two Ministers ?

A.—That is perfectly true.

(*Mr. Chairman*).—*Q.*—I suppose the larger number of the prisoners were Hindus ?

A.—I expect they were.

(*Dr. Paranjpye*).—*Q.*—Or Sikhs ?

A.—Or Sikhs.

Q.—That may be true because the Muhammadans in the Punjab are seldom guilty of what are called political offences ?

(*Sir Tej Bahadur Sapru*).—*Q.*—Was there any feeling that the Muhammadans were less represented in the prisoners than the Hindus ?

A.—I do not know; there was no insistence on communal representation in that case !

Q.—In paragraphs 31, 32 and 33 taken together do I understand that what you intend to convey is this, that in the large majority of cases voting was not on communal lines ?

A.—That is so, I analysed them all.

Q.—Will you turn to paragraph 44 where you deal with the functions of the Secretaries. You say:—" It may occasionally happen that a Secretary may mention a case to the Governor which has not yet been seen by the Minister; but that is an accident only, and there is clearly an obligation upon the Governor to safeguard the position of the Minister by requiring the Secretary to take the Minister's orders on the subject." In so far as you are aware, since the introduction of the Montague-Chelmsford Reforms, the Governor in your province has taken care to see that the Ministers' position is safeguarded ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—I would ask you to consider this question and answer:—

" *Q.*—The practice seems to be that cases are taken by the Secretary in the same way as the member would do. You do not like that any way ?

" *A.*—I do not know what the practice of the Government of India is, but in the Punjab the practice was like this. A file was waiting on my table. The Secretary was instructing the Governor. Then I took the

file and the Governor knew all about it and he had formed an opinion before I took the papers to him."

Q.—*Would* that be the practice in your Government ?

A.—I should say certainly not.

Q.—In paragraph 48 you say:—" In a recent public statement these arrangements have been described as establishing sole responsibility in the Governor for the services, and as creating a somewhat undignified position for the Members and Ministers." Now your own personal relations, I take it, with both the Ministers during the first three years were very friendly ?

A.—Very.

Q.—And they discussed matters with you informally very frequently ?

A.—Yes very frequently.

Q.—Did either of the two Ministers during that period complain to you that his position with regard to the subjects you were discussing in this paragraph was a very difficult one by reason of the Governor's action ?

A.—No. I remember a statement appearing in the *Tribune* somewhere about two years after the beginning of the Reforms in which something of that kind was hinted at. It surprised me, but I did not understand where this information could have come from.

Q.—Statements appearing in the papers are sometimes well-founded; at other times they are ill-founded. Was any complaint made to you by any of the Ministers themselves ?

A.—Not only no complaint, but no suggestion was made to me.

Q.—In paragraph 50, after referring to the officiating appointment under the Ministry of Agriculture with which you deal in that paragraph you go on to say:

> " In all other cases of appointments subordinate to the Ministers, except those which would normally be filled by a Head of Department without reference to Government it is certain that Ministers either made the appointments themselves or were consulted and approved the selections."

You are fully satisfied that this definite statement is perfectly correct ?

A.—Yes. My examination led me to one doubtful case which I have investigated and give particulars about. Of the other cases I am perfectly certain.

Maharaja of Burdwan.—*Q.*—Sir John, I should like to know whether in your province you cannot introduce any legislation regarding tramways or light railways without reference to the Railway Board—am I right ?

A.—Well, technically we do not need to refer to the Railway Board but we need to refer to the Government of India and the Government of India would be likely to consult the Railway Board and that is the reason why we had a preliminary consultation with the Railway Board before proceeding with this particular Bill.

Q.—But ordinarily with the exception of trunk lines the Provincial Government of the Punjab can at the present moment go into the question of tramways or light railways. Can you start—can you sanction on behalf of say local bodies any tramways or light railways ?

A.—The position is this that we have to act under the General Indian Tramways Act, 1886, until we have provincial legislation. That is the position.

Q.—But could you not introduce provincial legislation for such small lines ?

A.—Yes, and that is what we wished to do—what we were prepared to do. As a preliminary though we had this consultation with the Railway Board to see what line the Government of India was likely to take.

Q.—In four cases out of five you were successful ?

A.—Yes, in the four particular cases I have given. Might I explain ? Supposing we were to proceed with the tramway without getting the agreement of the Railway Board you might a year after find that the Railway Board was making a broad gauge railway which would kill the tramway and make all your expenditure useless. That is one of the practical reasons why consultation with the Railway Board is inevitable.

(The Chair was here taken by Sir Muhammad Shafi.)

Q.—I believe you are the Senior Member of the Government of the Punjab ?

A.—Yes.

(*Sir Muhammad Shafi*).—And Vice-President of the Council ?

A.—Yes.

Q.—And you are the only service member of the Punjab Government ?

A.—Yes.

Q.—Now you know that a province like the Punjab or like Bihar and Orissa has got only one service member on the Executive half of the Government ?

A.—Yes.

Q.—Do you find that having one service member in any way jeopardises the interests of the Civil Service as a whole ?

A.—You mean having not more than one Member ?

Q.—Yes.

A.—Of course they would be all the better off if they had two members.

Q.—But now that you have one Service member things do go on ?

A.—Yes.

Q.—Supposing to-morrow your Governor in the Punjab was a public man from England instead of being a member of the Indian Civil Service ; do you think there being only one service member then would make any difference to the service ? In other words now that there is only one service members you have at the top of the Government a Governor who is a member of the Indian Civil Service. Supposing now the Governor of your province to-morrow happened to be a public man from England, would the Indian Civil Service, would the members of the Punjab Cadre think that their interests were not being sufficiently safeguarded by having only one member of the Government belonging to the Indian Civil Service ?

A.—I have no reason to suppose they would think so. Of course I cannot really speak for the service as a whole. I cannot say what their point of view would be.

(*Sir Muhammad Shafi*).—*Q.*—Do you think the interests of the Service would in any way suffer because of the appointment of someone

from England, from the public life of England, as Governor of the Province ?

A.—That is to say, would the protection which the services receive by in any way diminished ?

(*Sir Muhammad Shafi*).—*Q.*—Exactly.

A.—Apart from the question that they would be losing a possible Governorship.....

(*Sir Muhammad Shafi*).—*Q.*—Apart from that.

A.—Well no, I consider that the interests of the services would be quite as safe in the hands of a public man from England as they are in the hands of a Governor who is also a member of the Indian Civil Service.

Q.—That being so, do you think there would be any justification in there being two service members in a Presidency Government ?

A.—That depends on the amount of work.

Q.—I don't mean from the point of view of work. Supposing it were possible in a Presidency to be able to deal with the reserved side of the Government with one member, would you, as a member of the Indian Civil Service, advocate because there should be more than one service member that there should be four seats on the executive side of the Government ?

A.—No.

Q.—You would not ?

A.—No.

Q.—The other point that I want to ask you is this. Of course we have got the opinion of the Punjab Government regarding the future of the Reforms, but I should like to have your own personal opinion as the Senior Member of the Punjab Government as to whether or not you think that between now and 1929 there is any possibility, or do you think it would be desirable to have any more subjects transferred to the transferred side ?

A.—Well of course that is naturally a very large question upon which one has a great deal to say.

Q.—It is a large question but you know perfectly well that the subjects are very definitely divided. In your province I take it, as in most other provinces, you have Police, Law and Order, Land Revenue, Irrigation and probably one or two other departments which are on the reserved side. Now do you think that between now and 1929 you could safely transfer any of these subjects ?

A.—I suppose one may put it in this form—whether we could do it now ? Isn't that better than what we could do in 1929—that is five years hence ? In answering that question there are certain general considerations which one has to bear in mind in this matter of transferring more subjects. I think I might mention some of those more general considerations. In the first place when we started off with the Reforms we started off with certain very adverse influences at work. We started off with a large portion of our voters refusing to vote and a large portion of our public men not willing to come forward because of the movement of Non-co-operation. We had in the election of our first Council only 32 per cent. of the qualified electors voting and that really doesn't convey a true idea of the facts, because 37 per cent. of the rural voters voted but only 5 or 6 per cent. of the urban voters voted. Therefore we did

not start off with what one might call a really full and complete representation of the province. That is one of the peculiarities of the way in which we started off with the Reforms—that is to say, people were really not taking part—neither our public-men nor our voters taking a full part.

In the next place during this 3 or 4 years period we have been suffering from terrible limitations in the matter of finance. There has not been a full opportunity of showing what people are capable of doing when the finances are not so severly strained. That is one reason for thinking that we have really hardly begun. We have hardly had an opportunity of showing whether the thing can work satisfactorily or not. When you have hardly yet made a beginning it is premature to talk of going further. That is the next consideration which I should like to put forward.

Then the next point to which I should like to draw attention is this. The Reforms have had the effect of greatly exaggerating the strength of communal feeling in the Punjab ;—possibly elsewhere but certainly in the Punjab they greatly exaggerated the strength of communal feeling. That I think is probably because when there is some indication that one person intends to abdicate or give up a particular property or a particular position, it is very natural that the possible reversionary heirs should begin to ask themselves " What can we do to strengthen our position in order to get as much as possible of the inheritance ". There is not any doubt at all that the Sikh question in the Punjab has assumed its very acute aspects mainly for communal reasons. That is to say, a certain number of people felt that there was a possibility of a place becoming vacant and having to be filled. " Let us make quite sure that our community has as good a chance as any other of filling the vacant place which is presumably going to be left." I am making this point—that there were very peculiar influences which did as a matter of fact alter what I should call the normal situation in the province, and that these conditions had the effect of intensifying communal antagonisms. I have said in the rest of my evidence that communal antagonism has not been present in the Council to anything like the extent that is sometimes supposed but everybody knows it has been present to a very great extent among the population, and that is a condition which one cannot leave out of account in considering this question of extending the number of transfered subjects.

Then, if I may be excused for giving a long answer—it is impossible to give it briefly—I think I must point out that one of the results of this very strong communal feeling has been that there has actually been some demand made upon the Governor to use his special authority for restraining a Minister in the pursuit of a communal policy. There actually has been some demand on the part of persons who might be supposed otherwise to have strong sympathies with democratic practices to ask the Governor to take what I should call rather an anti-democratic action and to restrain his Ministers in their dealings with communal subjects. That does appear to show that people as a whole are not prepared to allow any further extension of work in the hands of Ministers, who must of necessity belong to one community or another. I think it is necessary to point out that in consequence of this strong communal antagonism and the riots which accompany it it would be virtually impossible to contemplate the transfer of the subjects which are connected with law and order, justice, police, jails and so forth. It is also virtually impossible in such conditions to contemplate the transfer of such a subject as elections.

It would be almost an impossible position for a Minister belonging to one community to have to control elections, when he would probably be charged with working in a biassed manner or making his arrangements in such a manner as to benefit his own community against the other. If it is once accepted, as I think it must clearly be accepted, that you cannot transfer certain subjects, that is to say, you cannot transfer justice, police, jails, elections, it seems to me to follow, so long as you have any party in any part of India which is bent upon the policy of obstruction in the councils, that you must not enlarge the sphere within which that party may pursue wrecking tactics, by transferring any additional subjects at all, unless you are in a position to satisfy that party by transferring all. My point is that it must be all or none. When you have a party which is bent upon wrecking tactics you do not give them an opportunity of extending the sphere of their obstruction by giving them more subjects within which it would be possible to work that system. I say that you must either have all or you must have no more than you have already. So far for the situation in the provinces as a whole.

Inside the Council I think one has got to recognise that though they have done extremely well, considering they have only been at it for a very short time and considering all the very exceptionally great difficulties with which the province had to deal during that period, there have been certain marked defects in their working ; they have shown decided irresponsibility upon one or two occasions. They have shown irresponsibility over the matter of balancing the budget ; they were clearly not willing to impose any measure of rural taxation ; they were ready to impose urban taxation, though not particularly glad to do it, because the majority of them were rural and the taxation would fall upon the majority, and therefore they were ready to contemplate urban taxation, though not as ready as they should have been—I think as a responsible body should have been—to contemplate the necessity of rural taxation for the purpose of balancing the budget. There were also cases, to which I have already alluded, in which communal divisions have produced a very embarrassing and awkward position in council. That has been particularly noticeable in the alliance which has been formed between Hindus and Sikhs in opposition to the Gurudwaras Bill and in one case also it was very marked in the attitude which was taken up by the Muhammadans. The Muhammadans were annoyed because Government had not established a committee for the considerable of communal proportions in the distribution of appointments—the Government had not been willing to make the proportions of this committee precisely what the Muhammadans wished it to be. They refused to serve on the committee in consequence, and thereby made the committee abortive and they subsequently punished Government by withdrawing their support from Government on a very important issue.

There is just one more point and that is, there are certain weaknesses in the electorate. The electorate does not follow, does not understand the politics of the council, does not attempt to do so ; there is no touch between the candidate and the electorate ; there is no statement of a programme of principles ; the electorate votes for a particular candidate merely because of clan reasons or of preference for personalities. Clan influences have been extraordinarily strong in determining the vote ; that is to say, you find in rural tracts that old enmities assert themselves ; one clan votes for a man and another clan votes against him without regard to his politics but merely because of ancient historical enmities and sometimes

also in consequence of old practices in connection with such matters as cattle theft and measures for the restoration of stolen cattle.

(*Mr. Chairman*).—*Q.*—I take it that on this point we may assume that your views are substantially those stated by the Government of Punjab in their letter ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—I would like to ask you one or two questions in reference to this. What was the percentage of voters who went to the polls at the second election ?

A.—49.

(*Sir Muhammad Shafi*).—*Q.*—In the urban ?

A.—I am afraid I cannot give you the urban and rural separately.

(*Sir Muhammad Shafi*).—*Q.*—But certainly much more than in the first election even in urban areas ?

A.—It was 32 per cent. at the first election—urban and rural both—and 49 in the second.

(*Sir Muhammad Shafi*).—*Q.*—You told us just now that at the first election there were hardly more than 5 per cent. of electors who went to the polls ?

A.—That was in the urban area. If you take the two separately, at the first election, about 37 per cent. of the rural voters went to the polls and 5 or 6 per cent. in the urban.

(*Sir Muhammad Shafi*).—*Q.*—At the second election the number of voters in urban areas who went to the polls was much larger than at the first election ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—And the average was 49 per cent. ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—In so far as your council is concerned, the Swaraj Party consists of a very small number ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Only about 7 or 8 I believe ?

A.—That is all.

(*Sir Muhammad Shafi*).—*Q.*—So that the wrecking element in the new council is very small ?

A.—That is not quite true, because the Swaraj Party has connected with it a certain number of urban Hindus, a certain number of Khilafat Muhammadans and almost the whole of the Sikh Party.

(*Sir Muhammad Shafi*).—*Q.*—But in spite of all this the Punjab Government had been able to carry through measures in the legislative council ?

A.—Well, we have been absolutely dependent upon what I call the Muhammadan bloc ; when the Muhammadan bloc for some reason or other does not vote for us we always lose.

(*Sir Muhammad Shafi*).—*Q.*—My point is this ; has there been any instance of any first class measure introduced by the Punjab Government in the Punjab legislative council in which the Government has not been able to carry it through ?

A.—Well, there was one which I quoted in my memorandum which we only succeeded in getting through by the casting vote of the President, and that was the whole of the vote for the Police. We were on the point of losing the whole vote because the Muhammadans were irritated with us over something.

(*Sir Muhammad Shafi*).—*Q.*—That is not an answer to my question ; my question was—was there any measure of importance introduced by the Punjab Government in the provincial council which Government was unable to carry through—whether by the use of the casting vote of the President or otherwise ?

A.—We were defeated over a vote of censure in spite of its being of some importance then that we should not be defeated ; and that was due as I said before to the fact that on that particular occasion the Muhammadan bloc did not support us. When we were supported by the Muhammadan bloc we could carry almost anything ; when we were not supported by the Muhammadan bloc, we could carry almost nothing.

Q.—I am very thankful to you for the very long explanation you gave to the Committee regarding the general position in the Punjab. But my original question still remains unanswered. We have got the view of the Punjab Government. What I want is your personal view as to whether between 1924 and 1929 you are for transferring any more subjects to the transferred side or not.

A.—I can answer it only in this way ; I can say that as things are at present I cannot advocate the transfer of any additional subject.

Q.—You also said I think that it was a question, in view of the wreckers, of everything or nothing. I take it that you think that dyarchy to the wreckers is unpalatable because it must be everything or nothing ?

A.—That is what I understand their position to be.

Q.—You take it, as most of us have to take it, that dyarchy is a necessary evil for the ultimate goal of responsible government ? I take it that you subscribe to it ?

A.—I think it is a necessary arrangement—I would not call it a necessary evil ; as we worked it, it was not evil.

(*Mr. Chairman*).—*Q.*—You regard it as a progressive stage in the development of self-government ?

A.—That is my view of it.

Q.—Therefore further steps towards that progress inevitably must be more departments transferred to the transferred side.

A.—That will be one of the forms which it will take.

Q.—I think it will be one of the essential forms ; it is because these transferred departments have been created that dyarchy is in existence and that being so the only way in which you can abolish dyarchy would be by eventually transferring almost all, if not all the subjects. That must be the eventual form of evolution ?

A.—Yes ; either that or the substitution of some different system.

Q.—What kind of system.

A.—I have not attempted to think it out ; but some sort of federal system seems to be indicated. You would have a very peculiar position if all the provinces were absolutely autonomous and there was no control exercised over them by the central government except such as is now exercised in respect of transferred subjects. I do not think that is quite a feasible position, but probably the ultimate form which the constitution will have to take will be some sort of federal government providing for some kind of control by the central government ; otherwise you will have a lot of warring and irreconcilable units, and if all the provinces are to be autonomous there will have to be a sort of federal control over the whole. The whole position will have to be completely thought out.

Q.—Am I to understand in that case that your idea is that ultimately all the provincial subjects with which the central government need not inter-

fere will be controlled by the provinces and with regard to others there will be a general control by the central government over all provinces? Is that the line on which you would work?

A.—Of course this is the sort of thing which I can imagine the commission of 1929 or thereabouts would sit down and think about for about six months before it could devise anything at all. Therefore my views on the subject are necessarily rather crude. All I can say is that I contemplate what I imagine ultimately to be the solution of all these difficulties will be some sort of federal system.

Q.—Is that your general idea?

A.—That is my idea generally of what the final solution of the problem will probably be.

Dr. Paranjpye.—*Q.*—In your first paragraph, Sir John, you speak about the measure dealing with land revenue. You remember, of course, that the Joint Parliamentary Committee specially mentions that the provinces and the Government of India should examine this land revenue question and make resettlement amenable to the control of the provincial Legislative Councils, so a Bill on this question was necessarily contemplated by the Reforms Committee.

A.—Yes, no doubt. The Joint Parliamentary Committee certainly did contemplate it.

Q.—In paragraph 13, you tell us that most of the questions that come before Government have always been considered in a joint meeting of the Members and Ministers. Now, I should have thought that these two questions mentioned in paragraph 13, that is the admission of Members of different communities to certain educational institutions and representation in the municipalities were sufficiently important to be considered in a joint meeting. Could you tell us the reason why these questions were not considered in joint committee?

A.—Well, as regards the first of the two—that is, perhaps the most important—that is the question of the admission of members of different communities to educational institutions I can only say that the neglect to put it to the whole of the Government was a lapse.

Q.—You understand, of course, that the action taken on it has caused a great deal of resentment?

A.—That is why I say that the neglect to put it to the whole body is what I should call a lapse—that is it was a mistake.

Q.—On whose part?

A.—Oh I must not say that. You must not ask me to say that.

Q.—I can only say that I regard it as a mistake. As to the second, that is much more easily explicable. You see for years and years past we have had in the Punjab—long before the Reform Scheme—we have had a certain amount of communal representation introduced into municipalities. We have had an arrangement under which each voter would be voting only for his own people, with less possibility of disputes arising, and therefore from time to time we have introduced this system of communal representation in municipalities. The recent measure was merely an extension—carrying on a little further something which we had already been doing before. And therefore I can understand that it would not have occurred to anybody either to the Minister or to the Governor that this must necessarily go before the whole Government.

Q.—Then in paragraph 16 you make a very interesting remark.

"In one case the Ministers were agreed together in taking a more uncompromising view of the obligation of maintaining law and order than the two Executive Councillors were prepared to take."

A very good certificate for the Ministers, because we have often been told that law and order would not be well preserved if this Department were transferred to the Ministers. At any rate, you have no fears on that point ?

A.—What I think might possibly happen would be that communal difficulties would rise over it. We should have a communal riot. Somebody would say—as they already do say—your police weren't on the spot to save us or that the Minister or somebody who supported the Minister did not want to save us.

Q.—Can you tell us exactly what this case was ?

A.—It is rather a delicate matter. It was in connection with the Sikh question. The Ministers thought that we ought to be much more drastic in preventing encroachments upon shrines—not merely punishing them when they had actually taken place but preventing them, that is to say, sending armed forces to prevent them. And on that point the Ministers held an opinion which was more favourable to drastic action than the Members did.

Q.—Now, as regards your Gurdwara Bill, though the question of charitable endowments is a transferred subject, the relations between the various communities is a subject specially entrusted into the hands of the Governor, is not it ? The Governor is specially asked to look into questions referring to various special communities.

Q.—Yes. The instructions ask him to pay particular regard to backward communities. That is, I think, what you referred to.

Q.—Yes. Now, you say in paragraph 20 that dyarchy is according to your conception impossible. Do you mean to say that in the Punjab dyarchy has worked in so far as it has not been practised ?

A.—I should say the Government was a unitary Government.

Q.—So that dyarchy as such has not existed ?

A.—Theoretical dyarchy has not existed.

Q.—As contemplated by the Government of India Act ?

A.—I don't think that we can say that the system contemplated by the Government of India Act has not existed. Simply that the notion that there will be two separate halves of the Government acting, not together but separately and to some extent adversely to one another,—that has not existed. I don't think that the Government of India Act ever contemplated two halves of the Government acting quite independently because that would have been an impossibility.

Q.—Well, in paragraph 23 you say :

"If a Minister has a grievance, because preference is given to other proposals over his own it is open to him to ask the Governor to decide the dispute."

Do the Ministers know if preference is given in such a case, in order that he might be able to object ?

A.—Yes, they know at once.

Q.—Even in proposals about reserved departments ?

A.—Oh no. A Minister would not necessarily know what expenditure was going to take place in the reserved departments, but he would know at once if any obstacle was going to be put in his way in his own department.

Q.—When the Finance Department tells him there is no money, the Minister has to accept that answer as absolutely final. Would he know whether the Reserved Departments are not getting money also ?

A.—It is a matter of distributing possible new expenditure between the different branches of Government.

Q.—You have been Finance Member for the whole time ?

A.—Yes.

Q.—Well, what is your usual practice about examining proposals sent in ? Do you examine them only from a financial point of view or from the merits of the measure ?

A.—Oh, well, I have heard people talk about examining proposals from the purely financial point of view, but I have never been able to understand what that meant. You must ask yourself, is this a good enough thing to deserve a share of the resources you can provide.

Q.—An occasion might arise like this. Some Member proposes the creation of five new appointments and he suggests a certain scale for these appointments. Well, the Finance Department can easily say, this scale will not do because it will have an indirect bearing upon other officers of a similar status. That I consider is a reasonable objection that may be taken by the Finance Department. But the Finance Department, I think, should not consider whether these five appointments were actually necessary if the administrative department considers them necessary ?

A.—Then I can answer your question quite definitely. The Finance Department, as I understand its functions, considers whether the method in which it is proposed to use these five officers is so important as to justify the expenditure. If it considers that it is not so important, then it records its advice against that particular proposal. Its advice is overruled if the Minister or the Governor thinks that the advice is not good.

Q.—But then your advice of this nature would not be financial advice—it would be advice as a Member of the Government ?

A.—No, I understand my functions as a Finance Member—quite apart from being a Member of the Government—is to scrutinise the usefulness of a particular proposal of expenditure and to record my opinion upon it. But it is only an opinion, only advice, which is liable to be overruled and has on a good many occasions been overruled.

Q.—I would like you to look at the table on page 14. Look at the second amendment moved by Raja Narendra Nath to clause 6 of the Punjab Local Option Bill. You see there that the non-official votes for that motion were 19, and against that were 17 officials and 5 non-officials. We obviously see that in this case the vast majority of elected non-official Members were against it ?

A.—No, pardon me. If you count up the whole thing, 41 Members voted altogether. There are 93 Members altogether.

Q.—I am leaving aside the officials for the moment. The non-official votes were 19 against 5 ?

A.—There are 73 non-official Members. On this occasion the total number of non-officials who voted were 24 out of 73,—that is, one-third.

Q.—Don't you consider this a successful vote of censure on the part of the non-official Members against the Minister ?

A.—Well, for one thing it was a very thin House. You notice that, of course. The number of Members who were present was small. The

officials were in full strength, but there were only 24 out of 73 non-officials. Our experience is that at the end of the day people get tired and go away.

Q.—Who had charge of the Medical Department ?

A.—The Minister of Education.

Q.—Well; look at the last two items in that same list. Leaving aside the officials, there were 35 non-officials against the Minister and 22 for him. Well, that at any rate was not a case of a thin House. Would you say that in that case the Minister had lost the confidence of the non-official Members of the Council ?

A.—No, I should say the Muhammadans were not present in such strength as they might have been, otherwise they would have supported their Minister.

Q.—These 35 and 36 were not Muhammadans ?

A.—Well, if you really want the figures, I can give them to you because I have got a statement of the voting in all these cases.

Q.—I would just like to know in this case, because it appears that the Ministers were saved by the official blocks from a very great defeat ?

A.—Here it is. Very well, now, the first of the two votes about the Assistant Surgeons—the voting for was 17 Hindus, 10 Muhammadans, 8 Sikhs, Total 35. The voting against was 16 officials, 3 Hindus, 16 Muhammadans, and 3 Christians.

And in the next one, the voting was :

For.—18 Hindus, 10 Muhammadans, 8 Sikhs. That is practically the same as in the first—that is what we call the urban block, with the disgruntled Muhammadans and the Sikhs who are apt to go against the Government on everything.

Against.—16 officials, 4 Hindus, 15 Muhammadans, and 1 Sikh.

I am afraid it really came to this that it was a certain party of Khilafat Muhammadans and a few urban Muhammadans who do not vote for the Minister were on the one side and the rest were on the other side.

(*Sir Muhammad Shafi*).—*Q.*—Sir John, you said just now in reply to Dr. Paranjpye, with reference to a particular instance that was under discussion at the time, that in that particular instance the Muhammadans did not support their Minister. What was the expression used by you ? Are not the two Ministers, Ministers for the whole province—are they Ministers for any particular communities ?

A.—Do you ask me what they ought to be or what they are ?

(*Sir Muhammad Shafi*).—*Q.*—The very fact that the Muhammadans have voted against the Muhammadan Ministers shows that it is wrong to speak of the Ministers as Ministers for Muhammadans and Ministers for Hindus ?

A.—I was not cautiously weighing my words of course.

Q.—Do you know that even the Punjab Government considers the present constitution of the Punjab Government is practically based on a communal basis. There is one Sikh, one Muhammadan and one Hindu and these appointments have been made from that consideration ?

A.—That was the case very markedly in the first Council. The first appointments were made very markedly on that ground, that is to say that one must be a Hindu, one a Muhammadan and one Sikh. But at

present it is rather different. The distribution is the same but the basis is really different. The principle has been that the two Ministers both represent the rural majority. It is true that one is Muhammadan and one is Hindu but the majority is a rural majority and except where particular communal considerations are uppermost the line of division is the rural urban division.

Q.—You say in paragraph 44 : " It may occasionally happen that a Secretary may mention a case to the Governor which has not yet been seen by the Minister ". Do you consider that happens fairly frequently ?

A.—I think when it does happen the Governor orders the Secretary to take the Minister's orders. This is what I meant to convey. All sorts of lapses have happened in the actual course of business but it is not the accepted practice.

Q.—How are the postings made in your province, the postings of the higher Imperial and Provincial service ?

A.—The postings in All-India Services all go to the Governor.

Q.—Are they initiated by him ?

A.—Not initiated by him except in very important cases.

Q.—Who initiates that ?

A.—The Secretary concerned.

Q.—Is the matter first mentioned to the Minister and then taken to the Governor or is the Governor approached in the first instance ?

A.—The appointment of a Director of Agriculture for instance would naturally concern the Minister.

Q.—Is he consulted first ?

A.—If you can tell me any specific case you have in mind I can give you a precise answer.

Q.—Take the question of the appointment of an Acting Director of Public Instruction ?

A.—They never dream of making any proposal of that kind without consulting the Minister for Education.

Q.—All I want to ask you is this, whether a case is taken to the Governor first because if it goes to the Governor and the Governor has made up his mind, then it would be very difficult for the Minister with whom I am particularly concerned to oppose the express wishes of the Governor ?

A.—I take it you are thinking of cases like the Director of Public Instruction, the Director of Agriculture, the Director of Industries and so on.

Q.—Or the transfer of Inspectors for instance ?

A.—I leave that out of account. One would have to examine individual cases to find out what happened in each case. I am not thinking of minor cases like the transfer of Inspectors. One would have to see the files to find out what happened in each case. I am thinking of important cases like heads of departments. In all those cases the Minister would very possibly initiate if he had very strong views on the subject and would certainly be consulted before the Governor is approached on the subject.

Q.—I put it to you that if the Governor had decidedly expressed his opinion about any such posting or any such appointment then it would

be difficult for the Minister to have his own way than if the Minister initiates it and then takes it to the Governor. Don't you think so ?

A.—I do but I must quote a sentence in my memorandum in which the Minister of Education said that in " any case in which ' I find a Member of Government or another Minister or head of a department or even the Governor himself encroaching upon my prerogatives, I should immediately speak to the Governor and he would put the matter right '."

Q.—The position would be much more difficult in that case, taking human beings as they are ?

A.—Yes, if it happened.

Q.—What was the usual practice ?

A.—I have tried to convey that as regards minor officials such as Inspectors I should like to look into the files to see what actually happened or was done in a particular case but as regards heads of departments under the Ministers it would either be initiated by the Ministers and it would be referred to him and discussed with him before an appointment is made and before even a proposal is put forward to the Governor.

Q.—In your joint meetings several questions or communications from the Government of India came up for consideration. Were the Ministers shown all the former papers about those cases before the cases were considered in the Council ?

A.—In some complicated cases where the case could not be put down in a few words, the papers were circulated but the ordinary practice was to put the case in a few words to them at the meeting.

Q.—The papers were not usually circulated ?

A.—They were circulated in complicated cases because nobody could understand complicated cases without reading the papers. Other cases which could be put in a few words present no particular difficulty and it is unnecessary to circulate the papers in such cases.

Q.—If the Ministers differ from the view taken by the Members of the Executive Government, were they allowed to put their opinion in writing ?

A.—I am just trying to remember cases in which we did it.

Q.—Take the case of the O'Donnell circular or the MacDonald Committee's report ?

A.—The O'Donnell circular was about the stopping of recruitment. I am sorry I do not remember what actually happened. I am sorry to say that at this moment I cannot recall what happened.

(*Sir Tej Bahadur Sapru*).—The opinions of Local Governments were invited on it.

Q.—The Local Government meant only the Governor in Council ?

A.—I have already told you that there was no case except one which I can remember in which the Governor in Council ever met without the Ministers.

Q.—When the opinions went to the Government, they went as the opinions of the Governor in Council ?

A.—Yes.

Q.—Did the Ministers when they differed from the opinions so expressed wish their opinions to be forwarded to the Government of India ?

A.—In case they wished their opinions to be forwarded, their opinions were appended to the letter.

Q.—They have been ?

A.—Yes, it happened in two or three cases to my recollection when the opinions of the Ministers had been appended to the letter.

Q.—What happened when opinions were asked about the working of the reforms at the end of two or three years ?

A.—Yes. I recollect then that the views of the Minister were either specifically mentioned in the letter or were conveyed in a note appended to the letter.

Q.—They were not prevented from having their opinion forwarded ?

A.—No.

Q.—Could the Ministers call a meeting of the joint government ?

A.—No case occurred to my knowledge in which they called for such a meeting.

Q.—Could they make a minute on their files that a particular question should be considered in a joint meeting ?

A.—I do remember such suggestions being recorded and when they were made they were always acted upon.

(*Sir Muhammad Shafi*).—*Q.*—That was the practice ?

A.—Yes.

Q.—They were not prevented from making minutes asking for a joint meeting ?

A.—No. When they wanted joint meeting, it was always acted upon.

Sir Henry Moncrieff Smith.—*Q.*—Did the Governor appoint any Council Secretaries ?

A.—They were appointed.

Q.—They were appointed from the first ?

A.—Almost from the very first.

Q.—And do they still exist ?

A.—I am sorry they do not. The members of the Legislative Council thought that they would be used merely as a means of detaching non-official members from the support of other non-official members. For that reason and also because some members of the Government do not attach very much importance to their services the system was given up. We found we were suspected of buying over certain members of the Council.

Q.—You think under the present constitution Council Secretaries are not likely to be a success ?

A.—Frankly speaking my own view is that I am in favour of having Council Secretaries. I found my own Council Secretary very useful and I was very sorry when the system was abolished.

Q.—Could you tell us what functions were assigned to the Council Secretaries ?

A.—My own Council Secretary drafted a Bill for me once. He was a Barrister.

(*Dr. Paranjpye*).—*Q.*—What was his pay ?

A.—Something like Rs. 2,000 or 3,000 a year. It was merely nominal.

(*Dr. Paranjpye*).—*Q.*—Was he required to attend office every day ?

A.—They were expected to attend only during meetings of the Legislative Council and for just a few days before and after and occasionally

they did work like the drafting of this Bill which I sent to my Council Secretary.

Q.—Did you assign any functions to your Council Secretary in the Council ? Did he take your place :

A.—He answered questions on my behalf. I communicated my views to him on particular occasions and he spoke.

Q.—He expressed your view ?

A.—In the case of my own Secretary, he delivered the views which I held but other Council Secretaries spoke on their own and even voted against the Ministers. As far as my own Secretary was concerned, he always served as my own mouthpiece and helped me in every way. When I wanted to find out how the feeling was in the Council on a particular matter, he would frequently find it out for me.

Q.—As regards the appointment of Ministers, we were told that in one Presidency a Chief Minister is selected by the Governor and asked to select his colleagues. Do you think that the system would work in the Punjab ?

A.—We have only two Ministers in the Punjab.

Q.—One Minister would be called and given a free hand to choose his colleague ?

A.—The thing may be shaped in that direction of course. Now that we have two definite parties, one rural and the other urban, I can imagine the possibility of things shaping themselves in that direction.

(*Maharaja of Burdwan*).—*Q.*—Don't you think that communal questions would crop up ?

A.—There are difficulties. I presume if you made it over to a member of a particular community to form a ministry he would naturally take members of other communities but he would take those who would not be likely to be very strongly communal in their feeling.

(*Sir Muhammad Shafi*).—*Q.*—The rural party consists of Muhammadans and Hindus ?

A.—Mainly Muhammadans ; a few Hindus.

Q.—And Sikhs ?

A.—I am sorry to say that Sikhs, properly speaking, do not form part of the rural party. They are against the Government over everything. That is the present position.

Q.—If the Chief Minister selected as his colleague a member of another community he would probably select one who is not strongly swayed by communal feelings ?

A.—That would be the case.

Q.—In that case do you think the Minister so selected, I will not say would be repudiated but would not receive full support from members of his own community ?

A.—We have had cases of that sort of difficulty. I think the bitterness or some of the bitterness of the urban Hindus (I am speaking only of the council) against the Government is possibly due to the fact that they feel that the particular Hindu Minister selected is too friendly to the opposite side.

Q.—Suppose it was decided that some of the subjects should be transferred, taken from the reserved side and made transferred, and suppose

that Land Revenue were not transferred. In the Punjab would it be feasible to effect the transfer of the subject of Irrigation ?

A.—It is feasible to transfer it.

Q.—Would you recommend the transfer of Irrigation ?

A.—I am unable to recommend it as long as there is any possibility of a policy of obstruction. You do not want to enlarge the sphere in which people will have the means of bringing you to a deadlock.

Q.—We have heard your general opinion as to the feasibility of the transfer. Would you in the Punjab, supposing conditions were favourable, would you transfer Irrigation without transferring Land Revenue ? Would it not prove somewhat embarrassing ?

A.—Of course one of the difficulties of transferring Irrigation is this, that our irrigation system runs through Native States. That is one of the difficulties. We have at the present moment, for instance a very great project, but it is partly in the Punjab and partly in two Native States. They prefer to deal with the Reserved Side rather than with the transferred side.

(*Sir Muhammad Shafi*).—The rules relating to the administration of transferred subjects provide for this contingency in cases in which more than one province is concerned or a province and an Indian State are concerned.

(*Sir Sivaswamy Aiyer*).—*Q.*—The subject of irrigation has two aspects, the engineering aspect and the revenue aspect. Which is it that is reserved ? Both aspects ?

A.—Both are reserved.

(*Sir Sivaswamy Aiyer*).—*Q.*—You were asked by Sir Henry whether, assuming that Land Revenue were not transferred, Irrigation could be transferred. What I wish to ask is whether the Engineering side of irrigation could or could not be separated and transferred ?

A.—No. That certainly would not be possible. You cannot divide up a subject like that. I am quite clear about it. You could not separate engineering from Revenue.

(*Sir Sivaswamy Aiyer*).—*Q.*—The construction and maintenance of irrigation works ?

A.—I do not think you can divide it.

(*Sir Sivaswamy Aiyer*).—*Q.*—Who imposes the irrigation cess ? The engineering or the revenue authorities ? Who determines the cess ?

A.—It is the Government which fixes the rate. Except in one corner of the Punjab it is the irrigation authorities who actually do the assessment. They go to the spot and say "so and so has irrigated so many acres and will pay so much."

(*Sir Siaswamy Aiyer*).—*Q.*—Have the P. W. D. works been transferred in your province ?

A.—Yes, Roads and Buildings.

(*Sir Sivaswamy Aiyer*).—*Q.*—But not irrigation ?

A.—No.

(*Sir Sivaswamy Aiyer*).—*Q.*—Do you think it would be impossible to leave both in the Transferred Department ?

A.—I suppose your suggestion is this. All the revenue functions of the Irrigation branch, the asessing of the charges, should be made over

to the Revenue branch and then all the irrigation, purely the engineering portion, should be transferred. That is your suggestion. Of course there are very great difficulties. There is very great opposition on the part of the irrigation authorities themselves to transferring what may be called the revenue side of their functions to the revenue authorities. They do not think that the revenue authorities would be capable of assessing water rates in the same efficient manner that they do themselves and they do not want to lose the touch with the actual irrigator that the assessment of the charges gives.

(*Sir Sivaswamy Aiyer*).—*Q.*—Do the engineering authorities do any assessment themselves ?

A.—The engineering authorities, except in one corner of the province, do the actual assessment of the irrigation charges. That is to say, they send their men who say " so and so has irrigated so many acres of sugar cane or whatever it may be, the rate is so much ; and he has got to pay so much." It is not assessment in the ordinary sense. It is applying the rates.

Q.—If, Sir Sivaswamy Aiyer's suggestion were adopted, would it not involve some duplication of staff ? One man on the spot does the work now. He can to a certain extent do both branches at the same time. Instead of one man going to the spot, two men would have to go.

A.—That is so. On our canal works the revenue functions of the Executive Engineer or the Sub-Divisional Officer would be reduced very largely, and in some cases he might not even have enough to do. You could not very well diminish the number of engineers, because they are required in the case of emergencies. At the same time they would not, under ordinary circumstances, on canal works, which require only maintenance, have enough to do without their revenue functions.

Sir Tej Bahadur Sapru.—*Q.*—Sir John, you said that so far as actual practice was concerned your Government was really a unitary Government ?

A.—Yes.

Q.—And to that extent it was very successful ?

A.—It is not for me to say that it was very successful, but I think it has worked very well.

Q.—Is it a fair inference from that statement of yours that if it had not been worked on the unitary principle, if strict dyarchy had been followed, it would not have been so successful as it has been according to your statement ?

A.—If both sides had decided all these questions absolutely without consultation, then you would have had the most terrible consequences, because you see the greatest difficulty has been in regard to the Sikh shrines. You would have had a Minister who was responsible for the transferred subject of shrines dealing with the case entirely without regard to the question of Law and Order.

Q.—You think the whole machinery would have broken down ?

A.—It would have absolutely broken down. Fortunately people are not logical.

Q.—And if the machinery in the Punjab has not broken down, I take it that it is because in actual practice you adopted a system of unitary Government ?

A.—That is so, and my great illustration is the Sikh question.

Q.—Now, if you attach so much importance to the practice of unitary form of Government, what objection have you to the theory of unitary form of Government ?

A.—I have no objection to the theory of unitary form of Government.

Q.—You have no objection to the theory of unitary form of Government ?

A.—No.

Q.—Would it not make any difference if non-service executive council members had therefore been selected from the elected members ?

A.—It is more or less in the way of a personal question. We should not have got such a good representative Sikh out of our elected members as we got by not taking him from the elected members.

Q.—In theory, at any rate, there would have been no difference ?

(*Mr. Chairman*).—It would make a considerable difference.

Q.—Now, Sir John, one of your colleagues says : " the dual system of government has, in my opinion, to some extent, stood in the way of united action." Do you endorse that opinion ?

A.—No. I do not think it has ever stood in the way of united action.

Q.—Now, coming back to the unitary form of Government, I suppose you will agree that it is of the essence of unitary form of Government that the policy which is adopted by the Government must be a policy which has been thought out by all and agreed upon after compromise of different views. Isn't that so ?

A.—Yes.

Q.—That is what will distinguish it from strict dyarchy ?

A.—Yes.

Q.—Then, am I to understand that in matters relating to the reserved half of your Government, for instance maintenance of law and order, any policy which was adopted by the Punjab Government during the last three years was a policy which had been worked out not only by the members of the executive council but also by the Ministers jointly ?

A.—Yes, that is so. You must understand there is a certain reservation to be made there. You do not begin from the very beginning and say ' shall we enforce law and order or not.' A particular question will come up dealing with such and such difficulty and then we say ' What shall we do ' ?

Q.—Although the Ministers might not have been legally responsible for that policy, I suppose they were prepared to take the moral responsibility for that policy ?

A.—That is a question to be put to them.

Q.—When they join you round the table and discuss things with you ?

A.—Yes. I may say that the strict theory of the constitution is that when you do meet in this joint consultation it is the Governor in Council who is responsible for the decisions. It is not the Ministers who are responsible for a decision on the reserved side. They have given their opinion. But they are not responsible.

Q.—If I may say so, I quite agree and that is the view which has been put forward by the Joint Parliamentary Committee. But what I am asking you is this. Apart from the legal responsibility, did the Ministers give you the impression at the time of the joint consultation that they were prepared to take moral responsibility before their electors for their advice ? May I illustrate that, Sir John ? Supposing the Punjab Government adopted a certain policy in regard to law and order and a Minister went to the electorate and the electorate asked him ' Have you been responsible for this particular policy ? ', then would the Minister be prepared to undertake moral responsibility ? Was that the impression given to you at the time by the Ministers ?

A.—You would have to ask the Minister. If he did not make any public statement to the contrary, I would say he was accepting moral responsibility. Does he make a statement refusing to support particular action ? Does he submit a minute when there is an opportunity for so doing ? Does he record his dissent ? If he does none of these things, it implies that he accepts responsibility.

Q.—It is a very legitimate inference ?

A.—That is so.

Q.—You said I think in reply to a question put by the Chairman—I took down your words—that the Ministers were pressing on you a more uncompromising view of the obligation to maintain law and order ?

A.—Yes, that is so.

Q.—In other words, the Ministers were less tolerant than the reserved half of the Government of any disturbances of law and order and peace ?

A.—Do not let me put it too generally ; it was on a specific question connected with the Sikhs. My remark was intended to apply to that specific case. That is to say there was a question whether we should take certain action with the Sikhs.

Q.—That is to say they were not prepared to tolerate them to the extent to which the reserved half of Government were prepared, to do so ?

A.—On that particular point they were not.

Q.—I suppose they must have realised that their attitude might possibly cost them their very office if the matter went up before the Council ? The Council might have said : " You Ministers had no business to support the reserved half of the Government on that matter " ?

A.—I suppose they had a pretty good knowledge of what their communities were really thinking.

Q.—Am I right therefore in drawing the inference from that that if their view had been accepted by the reserved half of the Government, they would generally have been supported by the Council ? The Muhammadan Minister and the Hindu Minister would both of them have been supported by the Muhammadans and the Hindus if the Hindus and the Muhammadans knew that they had supported the reserved half or pressed the reserved half ?

A.—At that time something happened which changed the situation, and that was the Hindu-Sikh alliance, which was due to Hindu fear of the Muhammadans.

Q.—You have just now said there was a Hindu-Sikh alliance ; what led to that alliance ?

A.—What led to it was the riots at a particular place had alarmed the Hindus and made them say " We must somewhere find support."

Q.—And that had its reaction on the Ministers ?

A.—The actual form that it took was this, that the Hindu Minister and the Sikh Executive Councillor found it impossible to stand against their own communities when a particular question, the passing of the Gurdwara Bill came up.

Q.—I do not quite follow you ?

A.—The result of what I called the Hindu-Sikh alliance, which was due to the alarm at these riots.....

(*Mr. Chairman*).—*Q.*—What riots ?

A.—The Mooltan riots. This happened in September 1922. Our Gurdwara Bill came up in November 1922, and we found that this alliance had formed itself and that the Hindus were determined to support the Sikhs, and that they were going to oppose this Gurdwara Bill and the Hindu Minister and the Sikh Executive Councillor refrained from voting on the Gurdwara Bill because of this strong feeling of their communities.

Q.—Will you explain your statement. Had the Gurdwara Bill had any measure of support from any party in the Councils, apart from these Hindus and Sikhs who united at that particular time ?

A.—They were opposed to it.

Q.—Who were the men on whose support you counted ?

A.—We had to depend on the Muhammadan block and the official vote.

Q.—But from the very beginning the Punjab Government knew that the Sikhs were not prepared to support that measure ?

A.—No, I cannot say we knew that. We had constant negotiations and they constantly changed their minds. I made several drafts ; the drafts go up to draft H, and I discussed some of them with you ; some of them were prepared at the request of the Sikh members, but when they came up they had always altered their minds.

Q.—You said, I think in reply to the Chairman, that the present feature of the political situation was that, inside the Council the cleavage was between rural and urban members ?

A.—Yes, I have tried to make it plain that these are cases in which they do not vote communally. The leading division at all events at the present time is rural-urban rather than Hindu-Muhammadan.

Q.—Do you expect in the near future or in the next few years this feature to develop in the Punjab ?

A.—Yes.

Q.—Or do you think the development of the parties will be on communal lines ?

A.—Well, as far as I am able to forecast the situation, (of course it is a very difficult thing to do) I am inclined to think that there is a permanency about this rural-urban division. There is a real division of interest on those lines, a natural division of economic interests which I think makes it a natural line of division. I can imagine the possibility in the future of its taking an even more permanent place than it takes now.

Q.—I suppose the extent to which it promises to be a permanent feature in future, you as a member of the Government have every reason to be satisfied ?

A.—I feel it is a wholesome and natural line of division.

(*Sir Muhammad Shafi*).—*Q.*—As a basis for a party system it is natural ?

A.—Yes, that is really what I meant, it is natural in the sense of being grounded on real distinction of interests.

Q.—Apart from the question of the riot which arose in the Mooltan district, I suppose there has been a considerable amount of feeling in the Punjab between Hindus and Muhammadans over the question of representation in the Councils as well as in the public services ?

A.—Over the question of the Councils, I am not quite sure whether we should say there has been a good deal of feeling about that. It looked to me as if most practical men had accepted the Lucknow pact as being a decision of the question.

Q.—But we have been told that the Muhammadan community in the Punjab is not prepared to act on the Lucknow pact, and that they want their full share of representation in proportion to their numbers ?

A.—Yes, I did see that statement. It was new to me. I had not heard of this particular suggestion before I saw it in the evidence given before this Committee.

Q.—You have not seen any signs of strong feeling on that particular question ?

A.—No, I have always taken it that the Muhammadans found they had substantial representation and were contented.

(*Sir Muhammad Shafi*).—*Q.*—Do you remember the anniversary of the all-India Muslim League held at Lahore only recently ?

A.—Yes, I do.

(*Sir Muhammad Shafi*).—*Q.*—Did you see the resolutions that were passed there ?

A.—I think one of them did ask for the reconsideration of this question, but I thought that was due to the particular piece of evidence given before this Committee. I thought it was a new suggestion, a new idea which had not occurred to them before, but they thought it a good one when it was made.

(*Sir Muhammad Shafi*).—*Q.*—You have been such a long time in the Punjab, do you remember when the Lucknow pact itself was arrived at, the then Punjab Muslim League protested strongly against it and was disaffiliated because of the controversy which arose in consequence ?

A.—I believe that was so.

Q.—Supposing that pact were to be opened, how would the Hindus, the Muhammadans and the Sikhs stand strictly in acordance with their numbers in the Punjab ?

A.—The Sikhs would get one-ninth, that is 11 per cent., the Muhammadans 55 per cent. and the Hindus the balance, 34 per cent.

Q.—I suppose most of the Muhammadans in the Punjab really come from rural areas ?

A.—Yes, there are substantial Muhammadan populations in the towns too.

(*Sir Muhammad Shafi*).—*Q.*—In Mooltan for instance it is about half Muhammadan ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—In Lahore the majority perhaps are Muhammadan, in Amritsar they are half and half, in Rawalpindi the majority are Muhammadans ?

A.—As a matter of fact they are strong in the urban populations, but not among the richer classes ; they represent the poorer urban classes.

Q.—You were for a long time Vice-Chancellor of the Punjab University ?

A.—Yes, I still am.

Q.—Dealing with the middle class in the Punjab, is it not true that education in the Punjab has during the last 30 or 40 years not been exactly on secular lines ? It has been more dominated by religion in the Punjab ? Take for instance the Arya Samaj ?

A.—The Arya Samaj has been very prominent in Education.

Q.—Take again the Muhammadans and their own Islamia College ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Do you remember when it was started ?

Q.—I have been hearing of it for the last 15 years ?

A.—It is a comparatively new thing. The Arya Samaj movement of course has been going on for 40 years.

Q.—Take the Khalsa College at Amritsar ?

A.—Yes.

Q.—So that education in the Punjab has been largely more on denominational lines than in other provinces ?

A.—Of course there are enormous numbers of non-denominational colleges and schools.

Q.—What is the number of your colleges ?

A.—We have 28 colleges of university status in the Punjab and about seven or eight of the 28 are probably sectarian in their management.

Q.—Apart from the Government College at Lahore, these seven or eight denominational colleges are probably the most flourishing in their resources in their numbers and in the influence which they exercise in the educational life of the province ?

A.—I am not quite sure I would generalise like that. The Khalsa College has been in dreadful trouble lately. The two most important colleges are, I should say, the Government College and the Forman Christian College.

Q.—And the Dayanand Anglo-Vedic ?

A.—Yes it has been large.

Q.—And so is the Islamia College ?

A.—That has varied in numbers. At one time it was very numerous, not quite so numerous as the largest.

Q.—Is it not true that most of the young men turned out from the colleges in your province are anxious to go in for Government service ?

A.—Yes they are very anxious to.

Q.—Both Hindus and Muhammadans ?

A.—Yes.

Q.—There are not very anxious to adopt independent careers or go into business, or adopt any scientific careers in the Punjab ?

A.—No it is not very marked. We have a certain movement in that direction now, but it is a very small one.

Q.—I suppose a great deal of the communal jealously which arises in the province is due to this fight about loaves and fishes ?

A.—A good deal of it is due to that, but it goes deeper than that I am afraid.

Q.—How is it deeper than that ?

A.—It is deeper than that because even the economic causes are deeper than that.

Q.—Are you referring to the Land Alienation Act ?

A.—And to the general position of creditor *versus* debtor.

(*Mr. Chairman*).—*Q.*—Who is the creditor ?

A.—The creditor is the Hindu and the debtor is the Muhammadan, very roughly speaking. It is really the relation of lender and borrower that is the trouble at bottom.

Q.—Has there not been some legislation in the Punjab for the protection of debtors ?

A.—Yes.

Q.—What is that called, the Land Alienation Act ?

A.—That is to protect the agricultural classes.

Q.—Does that afford sufficient protection to the agricultural classes ?

A.—Protection in this sense—it has actually diminished the process by which lands were passing into the hands of money-lenders.

(*Sir Muhammad Shafi*).—In other words, it stopped expropriation of the agricultural classes.

A.—It very nearly stopped it. At the present moment the figures actually show a certain gain by the agricultural classes upon the non-agricultural classes. That is, they are buying back the land which they lost before.

Q.—Now so far as the Press in the Punjab is concerned. I am talking mainly of the vernacular press—that too has been run on communal lines for some time ?

A.—Yes. There are communal papers and there are anti-Government papers without regard to community, and there are the catch-penny papers which merely deal with sensation. There are those three classes of papers.

Q.—Am I right in assuming that during the last few months a good many of these papers have been inflaming public feeling ?

A.—Oh yes, we had to prosecute two or three.

Q.—And that very recently ?

A.—Quite recently. The prosecution is still pending, I think.

Q.—But this sort of thing has been going on in the Punjab at least for the last twelve months ?

A.—Well it has been going on longer than that really, but it has been very marked and very intensive during the past few months.

Q.—I am only referring to that because it may be in your opinion a contributory cause of the present communal feeling.

A.—There is no doubt that that has thrown oil on to the flames. We know in one case, not in the Punjab but next door to us, we can directly trace the trouble to a particular pamphlet ; and the press has been voilent on both sides.

Q.—Did the average non-official member of the Punjab Legislative Council appreciate the nature of the issues that were raised ?

A.—Well I thought myself that generally speaking they were a very creditable and very intelligent lot of men.

(*Sir Muhammad Shafi*).—*Q.*—And the members of the second Council are comparatively speaking more intelligent than those of the first one ?

A.—Well yes. They are certainly more critical and that I suppose is the test. But we had some very good commonsense in the first Council too—very good indeed.

Q.—Now, what is exactly wrong with the Punjab elector ?

A.—The only thing wrong, though I wouldn't call it wrong, is that he is not accustomed to contemplate political matters.

Q.—What sort of political question is he not accustomed to contemplate ? Would he be able to understand an issue relating to say, for instance, local option of primary education or public health and village sanitation ?

A.—Village sanitation or primary education or local option—I think he is capable of understanding those issues.

Q.—Now has he any horror of law and order ?

A.—No I think he is very anxious to have it maintained.

Q.—Occasionally the villager breaks the head of his neighbour.

(*Mr. Chairman*).—*Q.*—Isn't the Punjab the most criminal Province in India. I have the misfortune to have murder cases coming to me and I have been horrified to see the number that come from the Punjab.

A.—If I may say so, it is always in those countries which are most anxious for law and order tha you have a class of men arising who take advantage of the comparative peacefulness of the others.

(*Sir Muhammad Shafi*).—*Q.*—Aren't a good many murders in the Punjab due to the fact—don't murders occur generally among the agricultural tribes and the martial races in the Punjab ?

A.—Latterly disbanded soldiers have been responsible for a great deal.

Q.—Would you consider that as a normal feature ?

A.—I should say that latterly the very excessive crime we have had in the way of dacoity and murder has been due to the disbanded soldier.

(*Mr. Chairman*).—*Q.*—I put it to you that if you examine the criminal statistics for the Punjab over a series of years you will find a much serious crime.

A.—I am only speaking of the excess since the War which has been very great indeed. We have now more dacoities and murders and that due largely to the disbanded troops who have learnt something of how to use weapons.

Q.—But ordinarily do you think he appreciates the value of law and order ?

A.—I think the majority do emphatically appreciate it except when they have got some clan quarrel.

Q.—Or some fight over water-course ?

A.—Oh yes, undoubtedly.

Q.—Now what is the exact nature of the problem of the depressed classes in your province ?

A.—We are not much troubled with it.

(*Mr. Chairman*).—*Q.*—Have you got any depressed classes ?

A.—It has not been a problem with us, not a big problem. We have got them but there is very little trouble.

Q.—Perhaps you will agree that the Punjab Hindu is very much less orthodox in his mode of life than the Hindus of Madras or the United Provinces ?

A.—Very markedly.

Q.—There is no such thing as a Brahmin and Non-Brahmin problem in the Punjab.

A.—No we are not troubled with that.

(*Mr. Chairman*).—*Q.*—There are very few Brahmins ?

A.—Yes, and some of them are agriculturists.

Q.—And the Brahmin does not occupy any position of dominating influence in the Punjab ?

A.—He generally becomes either a bhistee or a cook. That is the favourite method of employing a Brahmin.

(*Mr. Chairman*).—*Q.*—Before we go on I should like to clear up one point. I am afraid it may be taken as a little misleading—this question about the Ministers taking a stronger line on the question of law and order. Now I understand the action contemplated is against the Sikhs. The Ministers were as a matter of fact a Hindu and a Muhammadan. One of the members of the Executive Council was a Sikh. Should I be right in supposing that the weakness came in on the executive side through one of the members being a Sikh ?

A.—On that particular point it so happened that he and I were agreed.

The further examination of the witness was adjourned till 3 p. m. after lunch.

The Committee re-assembled after lunch at 3 p. m. the Hon. Sir Muhammad Shafi in the Chair.

Sir John Maynard.—Before we begin, may I just point out one correction which has to be made in the printed note ? It is about the middle of page2. The word ' likely ' occurring there should be ' unlikely ' and the word ' even ' should read ' ever '.

Sir Sivaswamy Aiyer.—*Q.*—With regard to the question put to you you by Sir Henry Moncrieff Smith about the transfer of irrigation, I should like to pursue the subject a little further—I did not quite follow your answer. In your province is an engineer in charge of works alone or of irrigation alone, or is he in charge of both works and irrigation in his district ?

A.—If you mean by ' works ' roads and buildings, no ; we do not combine roads and buildings with irrigation in our province ; roads and buildings are in charge of a separate branch and irrigation works are in charge of a different branch.

Q.—Held by two entirely distinct sets of officers ?

A.—Yes.

Q.—The engineer in charge of irrigation would have nothing to do with the construction of buildings and roads and engineers in charge of roads and buildings would have nothing to do with irrigation, is that the system ?

A.—That is so.

Q.—Have these irrigation engineers any final voice in the matter of assessment of water rates ?

A.—Yes ; they have ; the actual rates of course are fixed by government naturally ; but the calculation of the acreage on which the rates are to be charged and that application of the rates to the acreage, that is a matter for irrigation department ; except in one corner of the province where on the inundation canals it is done by the revenue authorities.

Q.—As the system in Madras is somewhat different, I want to ask you this : Is the function of the irrigation officer to advise the government as to the rates which may suitably be levied upon particular classes of lands with particular irrigation facilities or is it for him to lay down what rates shall be levied and has the government to say nothing to that ?

A.—No ; it is the government entirely which fixes the rates and they are only varied at very rare intervals.

(*Sir Muhammad Shafi*).—*Q.*—Is not the realisation of water rates the business of the Zilladar and the Deputy Collector ?

A.—Yes, that is, in the irrigation branch ; except in the Multan Division where for some reason we have got the other system.

(*Sir Muhammad Shafi*).—*Q.*—So that the irrigation engineers are really more concerned with the construction of irrigation works and their maintenance and the supply of water than the fixation of water rates or the realisation of water rates ?

A.—The irrigation engineer is supposed to check what the Zilladar does. Just as the Deputy Commissioner is responsible for land revenue in the district, so the executive irrigation engineer is responsible within his charge for the calculation of the water rate which is due.

(*Sir Henry Moncrieff Smith*).—*Q.*—The fixation of the water rate and the assessment of the amount due are separate things ?

A.—Yes. The one is done by the government ; but the calculation of the acreage which has been sown and the application of the rates to that acreage, calculations as to where allowance is to be made on account of damage, loss of crops and so on, all that rests with the irrigation department.

Q.—In my province the irrigation engineer is responsible for the construction of irrigation works and for their maintenance, for the supply of water under, I believe, the major systems ; but the supply of water under some minor irrigation works is in the hands of the revenue authorities. What I want to know is whether the actual application of the rates fixed by the government to the particular lands is in the hands of the revenue authorities or of the irrigation authorities ?

A.—Except in three districts of the Multan Division where it is in the hands of the revenue authorities, it is in the hands of the irrigation authorities.

Q.—With regard to the question of the application of rates to particular fields and the question of any remission to be made on account of floods and so on, is that carried out by the engineer or a revenue officer employed in the irrigation department ?

A.—It is carried out directly by a revenue officer employed in the irrigation department ; but the responsibility for controlling him and for hearing objections and for inspecting the rates and for seeing that everything is done all right, that is on the irrigation engineer.

Q.—The first work of assessment and realisation, by whom is that carried out ?

A.—That is by a subordinate of the irrigation engineer.

Q.—Is he a professional engineer or a revenue official ?

A.—He is a revenue official ; but if I say that it may be misleading because it might be suggested that he came originally from what we call the revenue department. As a matter of fact he is from the outset in the irrigation department, but he is discharging revenue functions in the irrigation department.

Q.—Is he an engineer ?

A.—Not an engineer.

Q.—Would there be any difficulty, therefore, in separating the engineering work from the revenue work and transferring the engineering side of the irrigation department to Ministers ?

A.—That question consists of two parts : the first is whether there is any difficulty in separating the revenue from the irrigation work. That is actually done in one corner of the province in the Multan division.

Q.—But seeing that it is done throughout Madras I ask you whether it is not possible to carry it out in your province ?

A.—As to whether it is possible, I have no doubt that it is possible ; you have naturally various difficulties and objections to doing it, but there is no doubt about its being possible.

Q.—In section 1 of your memorandum you speak of the interference of the Government of India and the limitations upon the financial and legislative powers of the local government. Are you quite comfortable in the administrative shoes supplied to you by the Government of India ?

A.—There are always little rubs on one's corns, you know.

Q.—But do you find any pinching anywhere ?

A.—It will be impossible to say that we never find pinching ; we do find pinching ; but I suppose that is inevitable under any system.

Q.—Would you like to have that removed or are you quite happy and content to leave things where they are ?

A.—The way I would like to put it is this : you cannot expect to be absolutely independent ; if every province wished to become absolutely independent there will be no control ; but there are little things which could be improved ; sometimes we ask for them to be altered ; sometimes they are altered ; sometimes there are things which are really survivals of the old system which still exist even under the new reformed administration ; these, I suppose, will be eliminated from time to time ; for instance the rules about the alienation of state lands ; they appear to be really applicable to an older state of things when the Government of India was itself entitled to half the land revenue ; there is no reason why, now that land revenue is a provincial asset, they should exercise any control.

Q.—There are certain matters in regard to which you think that the control now exercised by the Government of India is a little too tight ?

A.—Yes, it might with advantage be altered.

Q.—And, to vary the metaphor, you would like to ease the saddle ?

A.—I should like to slip the bits.

(*Sir Muhammad Shafi*).—*Q.*—Do you admit that generally speaking it is a case of the shoe fitting easily and it is only very rarely that it pinches ?

A.—Yes.

(*Sir Henry Moncrieff Smith*).—*Q.*—Regarding the one case of limitation which you mentioned, you agree that it was a reserved subject and that the Governor General in Council had power of superintendence, direction and control ?

A.—Yes.

(*Sir Henry Moncrieff Smith*).—*Q.*—Do you suggest that any amendments should be made in the Government of India Act which would remove or at all events relax that power of superintendence, direction and control ?

A.—No ; it is a matter of details and of the method in which the control is exercised on certain points. I have given an instance—about the alienation of state lands—which appears to be a survival from the older times when the Government of India was entitled to half the land revenue and therefore naturally exercised considerable control.

Q.—Some of these matters are referred to, I believe, in the memorandum of your government.

A.—Some of them are.

(*Sir Muhammad Shafi*).—*Q.*—Apart from amendment of the Government of India Act, you would bring about a relaxation of control in certain respects by means of rules ?

A.—Yes.

(*Sir Henry Moncrieff-Smith*).—*Q.*—Or conventions ?

A.—Yes.

Q.—Is the list given in that memorandum a comprehensive list or only by way of illustration ?

A.—No, I think it is an illustrative list.

Q.—If called upon you can of course supply the Government or the Committee with a fuller list of the points where you would like a relaxation of control ?

A.—Yes.

Q.—With regard to some subjects, for instance, religious and charitable endorsements, I suppose the situation really requires more than joint consultation according to your memorandum ? The Joint Select Committee has prescribed or rather recommended that as a means of getting over some of the friction which may be created. But with regard to cases of excise or religious and charitable endowments something more is necessary—I am quoting from your memorandum. You would like the two halves of the Government to be brought together not merely for the purpose of joint discussion, but if possible to participate in the responsibility—is that the idea ?

A.—Well one sees that without it on some occasions very serious difficulty might arise. One is groping after a solution of a future possible difficulty which could not be solved by mere good-humoured agreement. We have not had it so far. There were all these cases of course in which it was obvious that, if a Minister had by any chance insisted on having any particular line about excise or about religious endowments or even about such a thing as mere hygiene, we might have had very serious difficulties. You see even hygiene might lead you to plague riots. We have had

very serious riots over plague measures. Veterinary measures might lead to disturbances for cow-killing.

Q.—Don't you think a joint responsibility would improve matters and contribute to greater smoothness and efficiency ?

A.—Yes, if you can adjust your system to joint responsibility, I think it would.

Q.—I see that the other Member of your Government and an ex-Minister they think that this dual system stands in the way of united action. Do you agree with that ?

A.—No, I don't.

Q.—You don't think that the dual system stands in the way of united action ?

A.—No, I have not found it so.

Q.—But I suppose you are aware that they both take that view ?

A.—Yes.

Q.—I suppose you will agree that the system of dyarchy is full of anomalies ?

A.—Well, everything—particularly in the line of politics—that comes out of England is full of anomalies. I mean you don't get a logical system. But I don't think you can get any progressive system which is completely logical.

Q.—But don't you think it is worth making an attempt to remove the anomalies ?

A.—Well, merely as anomalies I have no prejudice against it at all. The question with me is: does it work ? If it works, then it is good, politically speaking. But no merely logical system will make a good political system.

Q.—You have no intolerance of anomalies ?

A.—None.

(*Sir Muhammad Shafi*).—From the point of view of theory, the thing may be an anomaly, and yet in practical working it may do quite well.

Q.—Then with regard to the second section—control of the Minister by the Governor—that is one of the subjects of complaint generally by nearly all the ex-Ministers who have appeared before us and they also complain that the Secretary's right of access to the Governor interferes with them far too much. I suppose you don't agree in that complaint ?

A.—No.

Q.—But the very fact that the complaint was put forward so generally by so many of the ex-Ministers would it not suggest that there is something wrong in the system ? Or do you think that it is entirely due to the ignorance and inexperience of the Ministers ?

A.—Well, I should not like to say it was the ignorance and inexperience of the Ministers but I think it is to some extent due to a misunderstanding of the position. It has occurred to me, reading the statement of some of the Ministers, that they expected to find themselves autocratic in their own spheres and I don't think that is really what is contemplated. I don't think that either the Act or the system which it works does contemplate an autocratic Minister. It seems to me the Ministers think that they ought to be able to appoint and dismiss official and that they ought

to be able to pass ukases on various subjects whereas that is not what is contemplated by the system.

Q.—Do you think it is possible to make some changes in the rules which would obviate any such complaint or suspicion in the minds of the Ministers that the Secretaries are interfering with them too much ?

A.—Well, you see it is only after all a free right of stating one's opinion. All that the Secretary does—he has got no authority—he goes and says what he thinks is the right position. A Minister ought not to mind that. He is putting forward an argument which the Minister may rebut by other arguments. It is a free system, it is not a system where everyone is completely subordinated to a Minister. It never surprises me when a Secretary of mine says: I don't agree with you. I expect him to tell the Governor so if he thinks it important enough.

Q.—Then would he go and tell the Governor first and then inform you or would he first inform you and then take it to the Governor ?

A.—He would go in the ordinary course, whenever his time may be, and if the conversation happens to turn on the subject, I suppose he would mention it. But what has actually happened is that, when the Secretary has gone to the Governor and talked about the matter first without informing the Minister, the Governor has said to him: You must not do this, you must go to the Minister.

Q.—Don't you think it would be a better system if the Secretary was allowed to go to the Governor only if he had mentioned the matter to the Minister or Member first ?

A.—Yes, I think that would be a very proper arrangement. He would say to the Minister: I differ with you about this and when I go to the Governor I shall say so.

(*Sir Muhammad Shafi*) *Q.*—Is not this in the Punjab rules ?

A.—As a matter of fact it is in the Punjab rules.

Q.—And as a matter of practice ?

A.—One or two cases have happened in which it was not done, and in which the Governor said to the Secretary: Unless you first take it to the Minister I cannot consider it. You see, when you are working any system, these things will happen. People will do occasionally what they ought not to do and then the best thing is to tell them their mistake and put them right.

(*Sir Henry Moncrieff Smith*).—*Q.*—Still the opportunity to make the first representation to the Governor does give something like an advantage ?

A.—Well, now, I think, though I cannot recall the particular rule of executive business, I think the rules of executive business do actually provide for that. They provide for what you say should be done. At all events that is the practice in the Punjab.

(*Sir Henry Moncrieff Smith*).—*Q.*—Are these disputes, Sir John, between Secretaries and the Ministers common or exceptional—these differences of opinion, I mean ?

A.—Oh, very rare, in the sense of the serious difference of opinion which leads a man to think it necessary to state his own views. It is a very rare thing. Differences which lead a Secretary to think it necessary to take the case to the Governor are very exceptional.

Q.—May I know if there is a rule governing such cases ?

A.—Let me see. No I don't find this in the rules, but that is certainly the practice.

Q.—And you agree with me that it would be an advantage to make a distinct rule to this effect ?

A.—I beg your pardon, I find there is something here in rule 43 (2) of executive business. Oh, but that refers to one particular case where there has been a departure from the rules. It does not deal with these cases of possible difference of opinion. You see, a Secretary, if I may put it this way, a Secretary who differs from his Minister or Member, unless he is on extraordinarily strong ground runs the risk of a very serious snub if he brings it up. That is plain, is it not ?

Q.—You mean he would not take it unless it is a very strong case ?

A.—If he took it up and the Governor differed from him.

Q.—At any rate, it would remove a possible ground for a grievance if it was made a rule that he would take it only after mentioning it to the Minister ?

A.—Well, I see no objection to this rule and I think that is the practice in the Punjab.

Q.—Excuse me, my attention has just been called to rule 8 on page 35 of your Rules of Business ?

> " Any case, or at any rate such as any Secretary of a Department thinks fit, be submitted by him to the Governor. The case should, wherever possible, be submitted through the Member or Minister concerned and wherever it is not possible the Member or Minister informed by the Secretary."

I am sorry I took up your time.

Then, with regard to this question of joint consultation of Members and Ministers, you observe in paragraph 12 that prior to June 1924 certain intervals elapsed without joint consultation. I suppose there were several such intervals ?

A.—Yes, but I mentioned the one that was longest. There was never any other interval as long as that.

Q.—And during these intervals were important questions or principle or policy considered without a joint sitting ?

A.—Well, I don't know of any important questions of policy which came up in any of those intervals. I can only give you the specific cases which I have mentioned, that is the particular cases which happened which should have been taken up in joint consultation and were not.

Q.—Since the present Governor came into office the practice has been quite regular of having joint consultation ?

A.—Quite regular—at least once a week.

Q.—And then at these joint sittings do you consider only mixed cases or cases arising in any department, even though they are not mixed cases ?

A.—Cases arising in any department, whether they are mixed or not.

Q.—In paragraph 14 you speak of informal consultation of Members by Ministers ?

A.—That is the passage I corrected. It should be " and " instead of " by ".

Q.—So far as the system has been worked in your province, has dyarchy worked smoothly and fairly successfully ?

A.—I should say it has been worked very smoothly.

Q.—And as a matter of fact, dyarchy has been worked because it has been ignored practically ?

A.—Yes.

Q.—Could you not completely ignore it and work it as a really unitary Government in all respects ?

A.—Oh that means, whether one can transfer the reserved subjects ? No, no, I have given reasons for thinking otherwise.

Q.—I pass on now to the relations of the Finance Department with the Ministers. Have you got any other portfolio ? Do you hold any other beside finance ?

A.—Yes, I am the Home Member—that is to say, Police, Jails, Justice —those are the principal ones.

Q.—With regard to the proposals emanating from your own department for expenditure, have they to run the gauntlet of any other Department in regard to financial scrutiny ?

A.—They pass through my Secretary and he is a very vigilant person and criticises my proposals just as much as he criticises others from the financial point of view.

Q.—But still, don't you think you would have a certain amount of unconscious tenderness towards proposals emanating from your own department ?

A.—Well, that may be so, it will be a very expensive arrangement.

Q.—You would be superhuman if you had not had such tenderness ?

A.—But I have also got a tenderness for some other Departments.

(*Sir Muhammad Shafi*).—*Q.*—Would it not be better to have a separate office called the Controller of Provincial Finance who will be common to both the reserved and the transferred side ?

Q.—Don't you think it will be an improvement ?

A.—It practically means that there will be another member who will be a sort of Auditor General.

(*Sir Muhammad Shafi*).—*Q.*—He will be common to the reserved and the transferred sides, holding the balance even between the two halves of the Government ?

A.—And not subordinate to either.

(*Sir Muhammad Shafi*).—*Q.*—Instead of a Finance Member who will be a member of the Service and also on the reserved side who will unconciously favour the reserved side, the Controller of Finance will be an independent person ?

A.—He would be purely advisory because he would not be a member of Council at all.

(*Sir Muhammad Shafi*).—*Q.*—He would scrutinise all proposals that involve expenditure both on the reserved and the transferred side ?

A.—The only difficulty that occurs to me is that he would not come to his work with quite the same weight and force as a Member of Council comes.

(*Sir Muhammad Shafi*).—*Q.*—He would be directly under the Governor and independent of both the reserved and the transferred side and in consequence free from bias or anything in favour or against either side ?

A.—We would not be allowed to participate in deliberations of the Council, of course.

(*Sir Muhammad Shafi*).—*Q.*—He might be called upon by the Governor to attend meetings of the Council but he would not vote ?

A.—I think you want your Finance Department to be very powerful and I think the force of the Financial Department would be diminished by the fact that he was not represented by any one who actually took part in the deliberations of the Council.

(*Sir Muhammad Shafi*).—*Q.*—That is the only objection you can see to an arrangement like this ?

A.—I have not had an opportunity of considering this proposal before but *prima facie* that is the one objection that occurs to me.

Q.—The business of the Finance Department is to advise and place the Finance Department's point of view before the Government and see that it receives due consideration ?

A.—It is just the receiving of that due consideration that is the important point. One sometimes has got to struggle very hard to get the proper weight attached to the financial point of view, sometimes very hard indeed.

Q.—Apart from the question of cost, you have no objection to a separate Finance Member holding that portfolio and nothing else ?

A.—No, apart from the question of cost I have nothing. There are various difficulties which will arise. You will be increasing the number of your Members of Council and you will require the addition of another Minister to balance the addition.

Q.—Have you any objection to the financial portfolio being held by a Minister ?

A.—That means transferring more subjects. I am not prepared to admit that.

Q.—Just as the Finance portfolio is combined with other subjects on the reserved side, why not give a chance to Ministers to hold the portfolio of finance in conjunction with some other portfolio ?

A.—That means transferring an additional subject and a very important one.

Q.—Suppose there were no technical objections in the way ?

A.—I was not really considering the technical objections.

Q.—Suppose the Government were willing to transfer it. I want to know what you think of the proposal ?

A.—My general objection to transferring additional subjects is that it cannot be done so long as communal differences and the party of obstruction remain.

Q.—The Finance Department is not an originating department. You know that has been repeatedly maintained ?

A.—It is advisory. It is not a final authoritative department.

Q.—There is no question of final voice. You can only expostulate and you can only advise ? Then why not allow it to be held by a Minister ?

A.—I have already said that while the present conditions continue

I object to the transference of more subjects. If those conditions cease to exist, then I should be prepared to consider it.

Q.—You refuse to consider it except as part and parcel of the whole general issue ?

A.—Yes.

Q.—Apart from that general and more comprehensive objection you have no specific objection to put forward now ?

A.—I should like to consider it very carefully before I say that I have no other objection.

(*Sir Muhammad Shafi*).—*Q.*—You said just now that so long as communal differences and party of obstruction continue you are opposed to the transfer suggested by..... ?

Q.—May I ask if the party of opposition in the Punjab Legislative Council can be strictly called a party of obstruction such as Mr. C. R. Das's party in Bengal ?

A.—I am not dealing with this as a purely provincial question.

(*Sir Muhammad Shafi*).—*Q.*—With regard to your observations about the transfer of subjects generally you gave the same reason and therefore the question is pertinent. Can you call the party in opposition in your Council as a party of obstruction strictly so called such as exists in Bengal and the Central Provinces ?

A.—So far as the desire goes it seems to be the same. So far as the power goes it is not the same.

(*Mr. Jinnah*).—*Q.*—May I ask if these are the only two difficulties in the way of the transfer of the financial portfolio to Ministers, namely communal differences and the party of obstruction. Is there any other objection ?

A.—What I said was that before I say there is no other objection I should like to have an opportunity of considering very carefully what is to me an entirely new proposal.

(*Mr. Jinnah*).—*Q.*—You have not considered it ?

A.—It was never put to me until this moment.

(*Mr. Jinnah*).—*Q.*—You have not been following the evidence before this committee ?

A.—Yes, portions of evidence which particularly concern the Punjab.

(*Mr. Jinnah*).—*Q.*—The point has not struck you ?

A.—No.

Q.—On page 9 you refer to the increases of expenditure under certain important heads of the transferred department. May I know whether there has been any increase in the expenditure of the reserved department during the same period ?

A.—I think the question was put to me before. Roughly speaking during these years our total expenditure has remained stationary because of the financial difficulties. That means to say that whatever was added to the transferred departments was taken out from the reserved.

Q.—On page 12 you say there is opposition to demands for travelling allowance for arts colleges and secondary schools. What is the nature of the opposition. I do not quite understand ?

A.—It came out during the course of the budget proceedings. There was a particular grant for travelling allowance of students of arts colleges and the professors. It was, I think, a small item.

Q.—Who proposed it ?

A.—The Minister of Education.

Q.—Is it for attending Senate meetings ?

A.—It is quite a small item. The amount of travelling that is done on behalf of the arts colleges would be small. As it was, it was opposed.

(*Dr. Paranjpye*).—*Q.*—It would probably be for excursions ?

A.—I do not think it is for that. It is a separate head. All I can tell you is that there was a small item for this purpose. Precisely what the travelling was for I cannot tell you.

(*Sir Muhammad Shafi*).—*Q.*—It might have been for instance to attend Meetings of the Provincial Educational Conference which you occasionally hold ?

A.—That would be one of the possible reasons.

(*Dr. Paranjpye*).—*Q.*—Scientific congresses ?

A.—Yes.

Q.—In paragraph 45 of your memorandum you point out what the constitutional remedy is for a Minister who feels that his constitutional position has been infringed upon. Do you think it is a very convenient way of transacting business for a Minister to be always threatening to employ that remedy on each and every occasion ?

A.—I do not think he would have to threaten it often. My own experience in dealing with Secretaries and everybody else is that it is hardly necessary to say that certain things will happen in certain circumstances. But if there are unreasonable people one may have occasionally to do it.

(*Dr. Paranjpye*).—Are you aware that in the Punjab resignation was offered by a Minister four of five times and he was persuaded to withdraw it each time ?

A.—I am aware that it was so stated. My personal knowledge is that there was a discussion between the Minister and the Governor about resignation and that was after the defeat of the Minister on the Urban Rents Bill which was a very serious defeat. I understood at the time that the Minister asked whether the Governor thought that the case was one in which he should constitutionally resign and that he was advised that it was not and therefore he did not resign. That is what I understand is the position. As regards the other three cases I can only say it is quite obvious that if the resignation was ever tendered it certainly was not pressed and if one is not prepared to press his resignation it is quite useless to tender it.

(*Dr. Paranjpye*).—*Q.*—He may have achieved his object by resignation ?

A.—There is no object in resigning unless you think so strongly on the subject that you are prepared to carry out the resignation if your purpose is not achieved.

(*Mr. Jinnah*).—*Q.*—If the Governor yielded because of the threat of resignation he would have acheived his object ?

A.—He would have. It is quite a constitutional weapon.

(*Mr. Jinnah*).—Do you deny the statement made by one of the Punjab Ministers who appeared before this Committee that he carried his resignation in his pocket ?

A.—That means to say that he was prepared at any moment to resign. That is the meaning. I deny that. Yes.

(*Mr. Jinnah*).—*Q.*—Deny what ? That a Minister stated here.....

A.—I am not concerned now with what he stated.

(*Mr. Jinnah*).—*Q.*—My question is this. One of the Ministers of the Punjab stated that he only could carry on his work with the resignation in his pocket ?

A.—Do you mean to ask whether I deny that he said so ?

(*Mr. Jinnah*).—*Q.*—Yes ?

A.—No, no. You have got it on record.

(*Mr. Jinnah*).—*Q.*—My next question is, are you prepared to say that it is not a correct statement ?

A.—If it means that the Minister was prepared to resign at any moment and thereby achieve certain objects, I say that it is not so.

(*Mr. Jinnah*).—*Q.*—How do you know that ?

A.—My knowledge in all these matters is derived from a very close following of the business of Government.

(*Mr. Jinnah*).—*Q.*—Did the Governor tell you that ?

A.—The Governor would have told me if there was the question of resignation.

(*Mr. Jinnah*).—*Q.*—Did he tell you ?

A.—He did not tell me that he did not do it.

Sir Arthur Froom.—*Q.*—I think, Sir John, you have told the Committee that the present system of Government called dyarchy in your province has been a success ?

A.—Yes.

Q.—And in spite of certain difficulties attending its working, do you consider that the present system of Government which we call dyarchy is providing an advance towards some form of responsible self-Government ?

A.—That is the way in which I look at it. It is a sort of bridge towards a responsible form of Government.

Q.—One of the ex-Ministers of your province told the Committee—there is no reason why I should not give you his name, Mr. Harkishan Lal—that he was disappointed in his office and that he felt he was doing no good at all. Did he announce that to your knowledge, to His Excellency the Governor or to the members of the executive Council or did he announce that at any meeting ?

A.—No.

Q.—He did not. He further added that he felt he was a square peg in a round hole. That was what Mr. Harkishan Lal told the Committee. It is on record.

A.—Yes.

Q.—Would you suggest that it is the fault of the hole or the peg ?

A.—My own impression was that Mr. Harkishan Lal was an excellent Minister ; He did a great deal more than was expected in a short

time. What I really thought about him was that he did not realise the enormous difficulties which stand in the way of any administrator doing a great deal in a very short time. He had 2 years and 8 months part of which was a time of financial stringency. I think he did not know how difficult it is to do anything. I am sure he did not know. All of us who have experience of administration know that you have to struggle for years to achieve things. It would be extremely lucky if you manage in a long period to do anything worth doing. He expected to do more in a short time.

Q.—Perhaps he would come under the category of a Minister who expected to have autocratic power ?

A.—I think that was one expectation that he would have autocratic power.

(*Sir Muhammad Shafi*).—*Q.*—In your close co-operation with him Sir John, as a member of the same Government, did you yourself come across anything to show that Mr. Harkishan Lal was a square peg in a round hole ?

A.—No. I did not. I thought he was an excellent Minister in his particular line.

Q.—Then we will put it down to his modesty ?

A.—Or to excessive expectation of the possibilities of achievement. That is what I would put it down to.

Q.—Coming to the question of finance, I take it that the absence of sufficient finance might be responsible for some of this disappointment that this Minister felt ?

A.—Yes ; I should say possibly some of it.

Q.—I do not mean especially in his department, but the finances of the Government generally ?

A.—Yes.

Q.—And I think my colleague Sir Sivaswamy Aiyer suggested that there might be a bias on the part of the Home Member of the Punjab by virtue of his holding the dual office of Finance Member and Home Member to provide perhaps more funds than were fair to the Home Department. That was suggested I think by my colleague ?

A.—Yes.

Q.—But a member in that dual position possibly from sheer sense of fairness might be inclined to give too much away ?

A.—It is possible. I think my real answer is to point to them figures in my Memorandum. Those figures show an increase. They relate to the transferred Departments. At the same time the expenditure as a whole was approximately stationary.

Q.—As regards the suggestion of having a separate officer altogether to look after finance. I think you told the Committee that the Secretary of the Finance Department, your Secretary, was extremely particular in what he did pass ?

A.—Yes.

Q.—And I take it His Excellency the Governor could send for the Secretary if he was not satisfied just in the same way as he could send for another official in the Finance Department ?

A.—Yes.

Q.—That being so, I see no reason for the argument that a separate officer should hold the portfolio of Finance in the Executive Council ?

A.—That is my view.

Q.—I am afraid I must refer to these communal difficulties just briefly. I think you told the Committee that in your opinion the present reforms had had the effect of increasing communal antagonism ?

A.—Yes.

Q.—You did say so ?

A.—Yes.

Q.—And do you consider that any additional reforms given would also further increase communal antagonism ? That there would be reason to suppose that they would.

A.—I have not, I confess, considered that. I think it is possible that they might. They would certainly give rise to certain special difficulties as regards the transfer of certain departments. I specify in particular elections, for instance, and of course important questions regarding Police in dealing with communal riots. Those are instances where difficulties would arise in consequence of transfer.

Q.—Then do you consider that these regrettable communal differences are at the present time a stumbling block in the way of further advance towards self-Government in your province ?

A.—I think they are the principal stumbling block. From my point of view they are the principal stumbling block.

Q.—Until they can be removed they will remain a stumbling block ?

A.—Yes, that is my view.

Q.—And supposing you were asked not by this Committee but by somebody outside whether the province of the Punjab is ripe for further advance towards self-Government, one of your objections to this further advance towards self-Government would be the present regrettable communal difficulties ?

A.—Yes, that is so.

Q.—And when these communal difficulties are settled, then one of the great stumbling blocks towards further progress will be removed ?

A.—Yes, to my mind the principal stumbling block.

Q.—I do not think I have any further questions. Thank you.

Mr. Jinnah.—*Q.*—I have read your memorandum, Sir John, with great hurry and if I make any mistake you will forgive me ?

A.—Yes.

Q.—I read it on my arrival here. Do I understand from your memorandum that you suggest no change at all in the present constitution ?

A.—No change of principle at present.

Q.—Do you suggest any change ?

A.—There are changes of detail. I did not attempt to go into changes of detail.

Q.—As far as your memorandum goes, you do not suggest any change ?

A.—No large change of principle at present.

Q.—Is there any change ?

A.—Perhaps I might explain. My memorandum is written not to cover the whole ground, but mainly by way of removing certain misconceptions which might have been created by previous statements. It was not intended to cover the whole ground. Therefore I did not attempt to go into all the detailed changes which might conceivably be necessary. As regards the main question of principle you are right in saying that I do not recommend any changes at present.

Q.—You do not recommend any change which would be made or could be made either under the Act or under the rule-making powers ?

A.—I have tried to say that is a question of detail and not a large question. I mean to say I do not recommend the transfer of any subject which is not now transferred.

Q.—Not only that, I gather from your memorandum that there is nothing that you recommend as a change which would strictly come as a change under the Act itself or under the rule-making powers ?

A.—I would have to write another memorandum.

Q.—I am talking of this memorandum ?

A.—I have already explained to you that my memorandum is not intended to cover the whole ground.

Q.—That is not answering my question ?

A.—Pardon me, it is answering your question. I do contemplate certain changes in detail, but my memorandum is not written for the purpose of giving expression to them.

Q.—I must ask the witness to answer my question. Is there anything in your memorandum which suggestes any change either under the Act itself or under the rule-making powers ?

A.—My memorandum is before you, Sir, and you can judge for yourself whether there is any recommendation or not.

(*Sir Muhammad Shafi*).—*Q.*—I think the question really has sufficiently been answered when the witness said that his memorandum was not written to cover the whole ground ?

Q.—I ask for a direct answer to my question.

(*Sir Muhammad Shafi*).—The answer is in the negative obviously.

A.—My memorandum is before you and you can judge for yourself. My memorandum speaks for itself. That is my answer.

Q.—I will put it to you—I do not want to wrangle—once more if you like. Is there anything in your memorandum which you can point out as a change recommended by you either under the Act or under the rule-making power ?

A.—I must again answer that my memorandum speaks for itself.

Q.—You cannot point out ?

A.—My memorandum is before you.

Q.—You cannot point out ?

A.—I will read from my memorandum and see if there is anything.

Q.—Read it.

A.—That would take too long a time.

(*Sir Muhammad Shafi*).—I am afraid, Mr. Jinnah, I must intervene. I think the question has been sufficiently answered. The witness has stated that he did not write his memorandum from that point

of view. It was written merely to remove misconceptions that may have arisen because of the statement of previous witnesses. The inference is obvious that he has made no suggestions nor expressed any opinion with reference to the point.

(*Mr. Jinnah*).—If you say that that is the inference, I am quite satisfied with it. The inference is obvious that the witness does not suggest any change.

Q.—I do not quite understand what you say in your paragraph 8. You say :

" It has recently been stated, in a public manner, that a Minister cannot introduce any measure however much it may be desired by the majority of the Legislature, unless the Governor allows him to do so. It is possible that what was really meant was that the Governor had the power of withholding his assent from a Bill passed by the council at the instance of the Minister."

Can the Minister take any initiative without consulting the Governor ?

A.—It would be very unusual for him to do so ; on an important question like Legislation he would naturally talk it over with the Governor.

Q.—Please follow me. I was not asking about that talking over. According to the constitution as it is now can the Minister initiate a measure of a legislative character without first consulting the Governor ?

A.—Yes, there is nothing in the law to prevent him from doing so. It would be very unusual as I said before, for him to do it.

Q.—Under the Act he can do so without consulting the Governor ?

A.—Yes. I cannot conceive of such a thing being done, but as you want an answer on that particular question, that is my answer.

Q.—Have you considered the sections ?

A.—I think so. I do not know of anything in the Act which prevents a Minister from doing it.

Q.—I will just show you the section. There is one section which says, I believe, with regard to transferred subjects, the Governor is to act with his Minister ?

A.—May I ask you what is the section ?

Q.—I will give you the section in a minute, 46, I think, it is ?

A.—Section 46 says the Governor acting with his Ministers under the Act.....

Q.—46 says—

> " In relation to reserved subjects by a Governor in Council and in relation to transferred subjects (save as otherwise provided in this Act) by the Governor acting with Ministers appointed under this Act."

So that with regard to transferred subjects the section says that the Governor is to act with his Ministers ?

A.—Yes.

Q.—Could the Minister act without the Governor ?

A.—Your question, I understand, refers to some specific matter.

Q.—It does not matter what it is. In relation to transferred subjects the section says " the Governor acting with Ministers appointed under this Act " ?

A.—What really governs the matter is the provision which says that in certain circumstances the Governor may over-rule.

Q.—Excuse me. Then comes section 52. When the Minister tenders his advise to the Governor then he may over-rule. But in the first instance, the statute says the Minister cannot act alone. He must act with the Governor ?

A.—Of course that is a very nice legal point. But that is not the way in which that section has ever been understood.

Q.—I do not know how it is worked. That is not my point. My point is a purely constitutional point ?

A.—That is a question for reference to the Legal Remembrancer or Legal Adviser.

(*Sir Henry Moncrieff Smith*).—*Q.*—When a Bill is introduced in the Legislative Council, is it promoted by the Governor or is it promoted by the Minister ?

A.—It is promoted by the Minister.

Q.—The Governor is not responsible for it ?

A.—No.

Q.—Sir John says it is a question of law, and I do not want to pursue the matter. Supposing I am right (we will assume that for the moment) that the Minister cannot take the initiative without first consulting the Governor, then in that case the position of the Minister is a very difficult one if there is a difference between him and the Governor ?

A.—If there is a difference between the Minister and the Governor it is for the Minister to resign. If it is a trifling matter, he will probably continue.

Q.—I do not know whether you have considered this point, Sir John. We are not talking of provinces, provincial governments. As a matter of fact there is no responsibility at all given to the Legislature or the representatives of the people ?

A.—I presume you are referring to the fact that it is possible for the Governor to certify or restore. If that is what you mean, then I say that that does not constitute the denial of responsibility. That only provides for certain specific rare cases.

Q.—Under the Act as a matter of fact no responsibility is given to the Legislature with regard to provincial governments ?

A.—No, responsibility in the executive part of the government.

Q.—Transferred part of the Government ?

A.—No responsibility in transferred subjects ? The correct constitutional position, as I understand, under the Act is that the Legislature has no executive responsibility whether in transferred or in any other subject. The responsibility rests upon the Governor in Council for reserved subjects and on the Governor with his Ministers over the transferred subjects.

Q.—And such power as the legislature has can always be over-ruled by certification and the powers of the Governor ?

A.—By restoration ?

Q.—Restoration and certification ?

A.—That is so. Of course you must understand the difference between a power which can be exercised and a power which is not in practice exercised. The Crown in England has the power of veto on the action of the Houses of Parliament but it has not exercised that veto for a matter of 230 years.

Q.—I am only testing the constitution ?

A.—If you are testing the constitution as a purely legal matter, if you are not testing it with all the conventions which attach to it, then you are not testing it correctly.

(*Sir Muhammad Shafi*).—*Q.*—Is there any power of certification in regard to legislation in the transferred sphere ?

A.—I believe not. It is all in the Act. It is safer to look at the Act than to ask me. I think not.

(*Sir Muhammad Shafi*).—*Q.*—In regard to votable items with reference to the transferred field, is there any power of restoration with the Governor ?

A.—There is a very limited power of restoration in cases where the peace or tranquillity of the province is concerned.

Q.—There is something more. We have got the section here. The Governor can arrest a Bill in the course of progress and the Governor can restore any item in the budget if he thinks it is necessary. Those are very wide powers ?

(*Sir Muhammad Shafi*).—I think really that is a matter which can be discussed among ourselves and need not be discussed with the witness.

Q.—I am asking this question for this reason. I know we can discuss it among ourselves. I am asking this question because Sir John seems to convey, on a careful consideration of paragraph 8, that there is a certain amount of responsibility given to the Legislature. That is what I want to make clear ?

A.—Paragraph 8, if I may say so, does not refer to the Legislature at all. It refers to Ministers.

Q.—Quite so. The Minister is responsible to the Legislature. I should be quite content if the answer is given that the Legislature has no responsibility ?

A.—In executive matters the legislature is not responsible. Its function is not in the executive sphere.

Q.—And with regard to Bills ?

A.—In regard to Bills I tried to explain. There is all the difference in the world between a legal power and a power which by convention is to be exercised either rarely or not at all. I gave the instance of the veto of the Crown in order to illustrate the difference between the two things. The Crown has the legal power to veto. It has not exercised that power for 230 years. The effort has been in the province in working the constitution to avoid using exceptional powers of the Governor because it is likely to weaken the sense of responsibility which it is desired to encourage.

(*Sir Muhammad Shafi*).—*Q.*—May I remind you of the provision in section 72D, proviso (*a*), which says :

> " the local government shall have power in relation to any such demand, to act as if it had been assented to, notwithstanding

the withholding of such assent or the reduction of the amount therein referred to, if the demand related to a reserved subject, and the governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject."

That is in regard to a reserved subject. Then in section 72E (1) we have :

" Where a governor's legislative council has refused leave to introduce, or has failed to pass in a form recommended by the governor, any Bill relating to a reserved subject, the governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject."

All the provisions are confined to reserved subjects ?

A.—Yes. May I say that the real answer to this question is this. Examine the cases in which these powers had been actually used. Were they numerous ? Were they reasonably exercised ? If you find that on all the occasions on which these powers had been exercised they had been exercised for good and on reasonable grounds, then I think this contention falls to the ground.

Q.—Has there been any cases of certification in the Punjab during the last three years ?

A.—None.

(*Dr. Paranjpye*).—*Q.*—Not even in regard to any budget item ?

A.—That is a restoration. There have been restorations recently in two cases. They were of one class. The Council had rejected certain proposals for spending money for the re-assessment of districts. On that occasion there was restoration.

Q.—I think you said that you were not prepared to recommend the transfer of any more subjects as long as communal differences existed and the party of obstruction existed. Is that correct ?

A.—That is correct.

Q.—Sir John, do you think that the party of obstruction is the only party in India in existence ?

A.—It is obvious : fortunately it is not.

Q.—Do I take it that you understand that there is only a section that forms the party of obstruction ?

A.—Yes, I do ; unfortunately in two provinces it is a very strong section.

Q.—Don't you think that you ought to have regard to the whole of India ?

A.—I do indeed.

Q.—And don't you think that if you have regard to the whole of India that argument of yours loses its force, namely, that because there is a section which has formed itself into a party of obstruction therefore you decline to make any advance ?

A.—You see it is a practical question ; you have a certain party in certain provinces which is very actively and very effectively obstructing the Government. It is not a question of punishing anybody ; it is simply a question of common prudence ; common prudence tells me that when there is somebody who is busy upsetting the administration it is not right to

widen the sphere within which he has his opportunities. If you increase the number of transferred subjects you widen the sphere within which obstruction will be effective, because you diminish the powers of the Governor to restore items either by certification or by his other constitutional powers. Therefore it is a mere matter of prudence. I say it is not judicious to do it.

Q.—Would it not be a matter of greater prudence if you can manage to reduce the powers of that party of obstruction by making a further advance ?

A.—To be honest I do not think you will reduce it, except by giving everything. It should be all or nothing ; either you must establish complete autonomy or, so long as this obstruction continues, you must see that we do not widen the sphere within which obstruction can be effective. If it were possible to give everything, then I should agree with your contention.

Q.—Do you think, if it was possible to give complete responsible Government, then the obstruction would disappear ?

A.—The obstruction would disappear, I think ; oh, yes, unless of course obstruction goes on, on an entirely different issue. You would then have your communal difficulties. It is the two combined that make the difficulty. The communal differences make it impossible to give up everything ; the obstruction makes it injudicious to give up something and not give up all.

Q.—Don't you think this obstruction is really due to the fact that the people are not satisfied with the present constitution ?

A.—The obstruction is due to people being in a great hurry ; it is very natural, I sympathise with it.

Q.—Is it not due to the fact that they are not satisfied ?

A.—I have no doubt they are not satisfied ; I do not question that.

(*Sir Muhammad Shafi*).—*Q.*—You mean those who follow this policy of obstruction are not satisfied with the existing conditions ?

A.—Yes ; I think I must give them credit for being perfectly genuine and for meaning what they say ; I presume they are not satisfied.

Q.—Don't you think that an effort should be made to satisfy them ?

A.—Yes; I do ; I should like to satisfy them if I saw any course which did not entail greater dangers than those already existing.

Q.—By giving them a further advance what would be the danger ?

A.—The danger, that is, of transferring further subjects. As I have tried to put it, you enlarge the sphere within which obstruction is likely to be effective. In every transferred subject the difficulties of restoration, certification, etc., are increased, because the powers are not so great in the case of transferred subjects and therefore every time you add one more to the list of transferred subjects you enlarge the sphere within which this particular enemy is going to make his plan of operations effective.

Q.—Let us take it step by step. At present you have not got a party of obstruction except a section—it is a section is it not ?

A.—Yes ; a very important section in two provinces.

Q.—We will concede for the moment that it is an important section ; but it is not the entire body of representatives who are a party of obstruction ?

A.—No.

Q.—Supposing a section of the representatives of the various legislatures are a party of obstruction ; if you make a further advance, do you not think that that party will be weakened because some of them at least might be satisfied and give up obstruction rather than create obstruction since more subjects will be transferred ?

A.—My real conviction on that subject is that this particular party which has adopted obstruction will not be satisfied until all the subjects are transferred or until there is complete autonomy, whichever way you like to put it ; that is my personal conviction ; and I think that is the principle which they themselves state ; they say " Till you give us complete autonomy we are going to obstruct " ; that is what I understand them to say. You say by giving them a little some of them might give up that policy ; I do not believe that by giving them a little you can bring about that result.

Q.—I do not mean a little crumb—I mean some substantial advance ?

A.—You mean something like land revenue and irrigation and forests should be transferred.

Q.—Don't you think you will break this party of obstruction if you do so ?

A.—Candidly I do not think so.

Q.—Now, with regard to communal differences, you think it is not possible to make an advance on account of the communal differences such as exist to-day ?

A.—I think I have tried to make it plain that there are certain things which cannot be transferred so long as communal differences exist—law and order principally—but also certain other things ; elections is a very obvious subject.

Q.—That is all ?

A.—I should say, police, jails, justice and elections.

Q.—In other words, law and order and elections ?

A.—Yes. I see what you are driving at ; as I have said it is the combination of this policy of obstruction and the communal diffierences which makes the position difficult. Communal differences tell you that there are certain things which cannot be transferred ; and the party of obstruction says that it is no good transferring some things unless you will transfer all.

Q.—Don't you think that if you pursue this line you will have nothing but a party of obstruction all over India ?

A.—I hope not.

Sir Arthur Froom.—*Q.*—Sir John, I want to ask you a question on this policy of obstruction. I take it that it is admitted that whatever views any of us here or in the provinces may hold they all have good wishes for the welfare of India ?

A.—Yes, indeed.

Q.—Supposing your province yielded to this policy of obstruction and complete self-government is given to your province out of regard for the welfare of India, do you think that would be a wise policy ?

A.—I am not quite sure.

Q.—I will continue my question ; are you not laying up for India, when she gets self-government, a party who have gained their ends by

obstruction and who, when you have got self-government will want something else and proceed to obstruction tactics again ?

A.—I think you always have the chance of the weapon of obstruction being used.

Q.—Whatever government you have, if you yield to obstruction you will give the party that pursues obstruction an impetus again ?

A.—Yes ; I think there is no doubt about it ; the weapon of obstruction is now a recognised and known one and people will use it anywhere and everywhere whether you yielded on a particular action or not.

Q.—Do you agree that they would have learnt a lesson that obstruction can be made effective if they get self-government ?

A.—I suppose it will be so ; but there are other reasons.

Sir Tej Bahadur Sapru.—*Q.*—There is only one question I would like to put : I understand that your position is that there is really speaking no half-way house between the present system of things, namely, dyarchy, and full provincial autonomy ?

A.—I would not like to say that ; but I say there is no half-way house between holding on where we are, excepting changes of detail of course and suitable conventions and alterations of details, and some new system which would mean practically autonomy.

Q.—In other words the transfer of a few more subjects here or there will not really affect the situation ?

A.—It will not satisfy anybody.

Sir Muhammad Shafi.—*Q.*—I want to ask you one or two questions with regard to one or two answers you have given to some of my honourable colleagues. May I invite your attention to what the Joint Select Committee said with reference to clause 6 of the Bill which is now section 49 of the Act ? They said :—

> "' The Commitee desire on this point to give a picture of the manner in which they think that under this Bill the government of a province should be worked. There will be many matters of administrative business, as in all countries, which can be disposed of departmentally ; but there will remain a large category of business of the character which would naturally be the subject of Cabinet consultation. In regard to this category this Committee conceive that this habit should be carefully fostered of joint deliberation between the members of the Executive Council and the Ministers sitting under the chairmanship of the Governor. There cannot be too much mutual advice and consultation on such subjects. But the Committee attach the highest importance to the principle that when once opinions have been freely exchanged and the last word has been said there ought then to be no doubt whatever as to where the responsibility for the decision lies.''

Further on this is what they say. (He here means the Governor) :—

> " He should never hesitate to point out to the Ministers what he thinks is the right course or to warn them if he thinks they are taking the wrong course. But if, after hearing all the arguments, Ministers should decide not to adopt his advice then in the opinion of the Committee the Governor should ordinarily

allow Ministers to have their way, fixing the responsibility upon them, even if it may subsequently be necessary for him to veto any particular piece of legislation.''.

Now, do not these passages that I have quoted from the Joint Select Committee's Report really represent almost exactly the picture that you have given to us of the working of the Punjab Government during the last four years ?

A.—Yes ; of course there is one difference, rather an important one ; that passage was written before it was decided to insert in the Act the provision which says the Governor may in certain circumstances over-rule the Minister.

Q.—Please fix your mind on my question ; you have given us a picture of how the Punjab Government has been carried on in our province during the last four years ; and on the basis of that picture you have made the statement that it was really unitary government and not dyarchical government. I have read out to you the recommendations of the Joint Committee with regard to this particular point. Would it not be more correct to say that dyarchy as embodied in the Government of India Act has been carried on in the Punjab in the spirit in which the Joint Select Committee of the two Houses recommended it should be worked ?

A.—I quite grasped your question ; but I also feel obliged to say that at the time this passage was written the decision that the Governor should in certain circumstances have the power to overrule the Minister had not been arrived at, and that it has in a measure modified the result. If after discussing with his Minister he finds that the Minister adheres to his view and if the Governor still thinks that the matter is a very important one on which he ought to overrule his Minister he can do so.

Q.—May I point out that the words in the Act are '' shall ordinarily be guided by the advice of his Minister '' and it is that provision which the Joint Select Committee recommends should be carried out in the particular manner pointed out by them ? May I ask you this ? Unitary government connotes joint responsibility of all the members of the Government, doesn't it ?

A.—Yes, a proper and full unitary government.

Q.—Do you consider yourself constitutionally responsible for all the acts of your colleagues who were Ministers during the first three years of government in the Punjab ?

A.—I think I should put it this way, that anything I did not protest against in any form I should say that I was morally responsible for it ; if I knew of it and did not take measures to get it altered or did not protest in any form, then I think I should have a moral responsibility for it.

Q.—I am not speaking of moral responsibility ; of course where there is a general practice of joint consultation as recommended by the Joint Select Committee and as a result of that joint consultation a measure is introduced, whether it be on the transferred side or on the reserved side, there is moral responsibility of all the members of the government. I am speaking of constitutional responsibility, legal responsibility. Do you consider yourself responsible in that sense for all actions of your colleagues who were Ministers during the first three years in the Punjab Government ?

A.—As regards legal responsibility, that is obviously not so. Constitutionally I do feel myself responsible for anything that I have known of and have not protested against.

Q.—Morally responsible, I quite agree ; but in the case of a unitary government is each member of the government only morally responsible ?

A.—I think I should go further and say that I recognise my constitutional responsibility for any act of the government of which I had known and against which I had not protested. I think I had better put it that way.

Q.—But does the Government of India Act give power to members of the reserved side of government to protest against actions of the transferred side of the government in any way ?

A.—It does not in form certainly.

(*Sir Tej Bahadur Sapru*).—*Q.*—But why can't you protest if there is a joint deliberation ?

A.—I should, of course, be able to protest in some form.

Sir Sivaswamy Aiyer.—*Q.*—May I put one question ? Is the position of the Governor as laid down in the Act and in the Instrument of Instructions the position of what I may call a constitutional governor as it is ordinarily understood ?

A.—There may be more forms than one of constitution.

Q.—I am referring to the transferred departments ?

A.—Quite so ; you want me to compare it, we will say, with some dominion constitution in which the position of the Governor is something different. Now the position of the Crown in England, if I may take that, is almost, legally speaking, identical ; that is to say, he listens to his Ministers ; he is generally guided by their advice, but he has the power of veto. That is the position theoretically and legally. He can require his Ministers to do what he pleases ; in practice he does not ; and that is to my mind exactly what is being done in these provinces ; that is to say, the Governor can legally require his Ministers to do certain things, but in practice he will exercise that power only very rarely, in exceptional conditions.

Q.—So do you think that the position of the Governor is really that of a constitutional governor in the dominions ?

A.—Yes, because there is that power of taking action though it is very rarely to be exercised for good practical reasons.

Q.—In the case of a responsible dominion governor has the Governor General or Viceroy power to dismiss Ministers or to dictate what particular course of action should be taken ?

A.—He has the power to dismiss them of course ; he also has the legal power to take action, but politically he is very injudicious if he does it ; in any but an exceptional case.

The Chairman thanked the witness who then withdrew. The Committee then adjourned till the next day.

Tuesday, the 21st October, 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock. Sir Alexander Muddiman in the Chair.

Witness :—Sir Chimanlal Setalvad, *ex*-Member, Executive Council, Bombay.

EXAMINED BY THE CHAIRMAN.

Q.—You were a Member of the Executive Council of the Governor of Bombay from January 1921 to June 1923 ?

A.—Yes.

Q.—That is from the beginning of the Reforms for the first two years ?

A.—Two and a half years.

Q.—Have you got a copy of your printed memorandum ?

A.—Yes.

Q.—Would you refer to paragraph 7. You there lay down what you consider to be the principles underlying the recommendations of the Joint Parliamentary Committee and the Montagu-Chelmsford Report ? In regard to No. 1, I don't think it is quite true to say that, in regard to the transferred half of Government, the Governor is to be merely the constitutional head. He is more than that, isn't he ?

A.—More in what way, Sir.

Q.—Well I will put to you the Instructions to Governors. I would draw your attention to Instruction 6 :

> " In considering a Minister's advice and deciding or not whether there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the Legislative Council and to the wishes of the people and the President as expressed by their representatives therein."

Then Instruction 5 says :

> " You shall assist Ministers by all the means in your power in the administration of transferred subjects and advise them in regard to the business of the Legislative Council."

Well, a purely constitutional sovereign does not interfere at all in these matters.

A.—That is true, but is it not after all a question of words ? Take the passages, Sir, that you have read. After all, what was the underlying

idea ? Was not the underlying, as I put it, that the Ministers were to be left free in the administration of their Departments and that the Governor—though he might have the power to interfere—was expected to interfere only in very exceptional cases ?

Q.—That I accept.

A.—Well, in Bombay the whole thing, as I point out, was subverted.

Q.—But my point is, when you say in paragraph 7 that his position is that of a constitutional head, the Governor under the Reform Scheme is more than that ?

A.—True, and I again say, Sir, it is a question of words. If you take the words " constitutional head " in a strictly legal and constitutional sense, then he was not ; but for all practical purposes that was intended and at least what we in the Functions Committee thought at the time was that the Governor was to interfere only in very exceptional cases.

Q.—That I accept.

A.—Ordinarily the administration was to be left to the Ministers. But in fact what was done was, as I pointed out, the Governor intended that he was to administer the transferred departments and the Ministers were merely to advise ; even in the day to day administration, it was for him to decide what to do.

Q.—All I am asking you is if you agree with me that the words you used are a little too wide ?

A.—I quite agree, Sir, if you take the words in the strict legal and constitutional sense.

Q.—Then you say in paragraph 8, there was never any joint discussion or consideration by the two halves of Government and the Ministers never knew anything of what was being done in the reserved department. That is to say, each half of the Government was independent—they were two water tight compartments ?

A.—Yes.

Q.—There were no meetings in your time at all between Members and Ministers ?

A.—I have said in paragraph 9 that there were joint meetings later on though not in the beginning but that the joint meetings did not discuss any matters relating to the transferred departments as a rule.

Q.—They only concerned themselves with reserved departments ?

A.—We had meetings of the Executive Council to consider matters concerned with the reserved departments. At these meetings Ministers were called in and they were present but no transferred department matters were ever discussed except in very rare instances at these meetings.

Q.—They were never brought up ?

A.—The Governor had never even with his Ministers any meetings at all. He dealt with each Minister separately, each in his own department.

Q.—There was never any joint meeting between the Ministers and the Governor ?

A.—No, except once, as I have said,—in the beginning of 1921. After that each Minister in charge of a particular department and the Governor discussed matters relating to that department and administered it.

Q.—Well, we have got it quite clear that the Governor had no meetings with his Ministers. The transferred government never met—that is the Ministers as a body and the Governor never met ?

(*Maharaja of Burdwan*).—*Q.*—I want to ask you one supplementary question on this point. Ordinarily I believe it is the practice that, when any case of legislation has to be brought before the Legislative Council, the Government as a whole meets to discuss. Now, in your Government, during the time that you were Member of the Executive Council, did any piece of legislation relating to the transferred department take place and if it did take place am I to understand that the question as to whether this legislation should be introduced or not was not referred to a joint meeting ?

A.—With regard to legislation concerning either side of Government, it was jointly considered.

Q.—Legislation was considered jointly ?

A.—Yes.

Q.—To that extent, you must qualify your statement ?

A.—I quite agree. I meant, that in questions arising in the administration of the transferred departments from day to day there was no joint consideration as a rule. With regard to legislation undertaken either in the reserved or transferred side of the Government, the legislation was brought up before a joint meeting.

Q.—Well, where both a transferred and a reserved department were affected, were there no meetings to decide these cases. Many matters affect both the transferred and reserved side. How were these disposed of ?

A.—They were disposed of according as they belonged technically to the one side or the other. Take, for instance, the question of the services,—the O'Donnell Circular and things of that kind. Now, those were matters which affected both the sides. But inasmuch as the subject of services was among the reserved subjects, they were treated in the reserved department.

Q.—But may I put it to you that it is a rule of business in Bombay as it is everywhere, if a case in the reserved department concerned a transferred department, or *vice versa,* surely it was referred to the other department, whichever it may be.

A.—Yes, true. Any particular point in the administration, if it touched the other half, then certainly the other half would be consulted. But that is not what I am speaking of here. What I am speaking of are some larger administrative questions which affect both sides and which affect generally the whole administration. Inasmuch as technically some of them belonged to the reserved group of subjects they were disposed of by the reserved half.

Q.—I mean in the matter of the services, you say that is reserved. But it affects the transferred side. The transferred side was consulted although the decision was taken in the reserved department ?

A.—Yes, the transferred side was consulted in the manner I have pointed out in paragraph 9. The Ministers were called in at the meetings of the Executive Council, but no papers were ever circulated to them so that they could not possibly give any informed advice or opinion.

Q.—I don't understand you. Was not the file sent to the transferred departments ?

A.—I will take an illustration and explain it. I will take the O'Donnell Circular about the services. Now, the subject of services being a matter for the reserved half, it came to the reserved half. Then a meeting was called to consider that matter. Before the meeting was called, the papers and the files relating to the O'Donnell Circular were never circulated to the Ministers at all.

Q.—But hadn't they seen it departmentally ?

A.—No, they never knew anything about the O'Donnell Circular till they came to the joint meeting. Then they were told what it was. Then they were asked to say what they thought of it. Very often, as I have said, the question was put with the introductory remark that it did not concern their side but the reserved half would be glad to have their views. Then the decision was taken by the reserved side. In that particular instance, the matter being one of considerable public importance, in which the transferred departments were concerned, the Ministers wrote saying that they should be allowed to express their opinion on the matter and they were told that as the Government of India had asked for the opinion of the Governor in Council, they could not be allowed to do so.

Q.—This is a particular case you are reciting to me. But am I really to understand that in other cases too the matter was never referred to the transferred departments ? You are acquainted with the rules of business of the Bombay Government. Is it not one of the rules that it should have been referred ?

A.—But once it was decided that it was not a matter which in law and technically concerned the transferred departments inasmuch as the subject of services was a matter for the reserved side, the transferred side had no voice.

Q.—But there is such a rule, isn't there ?

A.—Oh yes, there is a rule that, if any particular matter for disposal on the reserved side affects the transferred side, and *vice versa*, then the files are to be sent to both the departments.

Q.—Then the fact was not due to any defect in the rules but to a breach of the rules ?

A.—No, there was no breach of the rules ; because the rules were capable of being read in the manner in which I have said they were read. It was said that the determination of the position of the services was a matter for the reserved department, but was not a matter that concerned the transferred department at all. And therefore the transferred side had no voice in the matter.

(*Sir Muhammad Shafi*) *Q.*—Was this decision, Sir Chimanlal, arrived at in a meeting of the Executive Council—this decision that the matter concerned only the reserved side and that the transferred side was to have no voice in the matter ; was that decision arrived at in a meeting of the Executive Council ?

A.—No, that decision and other decisions of the same character were always arrived at by the Governor, because he had the right to decide whether a matter related to a reserved or transferred subject and not the Council.

(*Sir Muhammad Shafi*).—*Q.*—It was not put before the Council ?

A.—On the contrary I may mention that on some occasions when it occurred to a member that a particular matter was one in which the

Ministers should be called in or that the file should be sent on to them and be noted to that effect when the papers came round to him, the member was reminded that it was not his business to make that suggestion said that it was entirely for the Governor to decide whether the Ministers should be called in or not.

Q.—Did you come to know of this decision before the meeting of the Council in which the Ministers were called in ?

A.—No.

Q.—Even members of the Executive Council were not informed of that decision ?

A.—When some important matters of that character came up I sometimes and some-times other members anticipated the matter, by requesting on the file that the Ministers should be called in inasmuch as it was a matter of general public importance. In such cases the suggestion was objected to, we were reminded that we had no business to make any such suggestion and that it was entirely for the Governor to decide in what matters he should call in the Ministers for joint consultation. We were told that in future we should not minute to that effect on the papers but should send a private note to the Private Secretary to the Governor making the suggestion so that the Governor may take the suggestion into consideration. That was how it was worked.

Q.—Reading your paragraph generally (I do not propose to take you through the details which contain some statements of incidents perhaps out of place in a public memorandum), the general effect left in your mind of the working of the Bombay Government was that the instructions to the Governor by His Majesty were disobeyed ?

A.—The Governor did not intentionally disobey the instructions. He read the instructions in that manner. It all depends on how you read them.

Q.—Is it possible to read the instructions in that manner ?

A.—He evidently read them so.

Q.—I will put it in this way, that whatever the cause, the effect was that the purpose of the Act and the rules under the Act were not carried out by the Bombay Government ?

A.—I only demur to using the word " disobey ". I do not mean to suggest that the instructions were intentionally or purposely disobeyed. I do not mean that.

Q.—The effect was the same ?

A.—Yes. The spirit and the intention of the Act and the rules were never carried out.

Q.—Therefore dyarchy as contemplated by the Act of Parliament and the rules and the framers of the Act was never given effect to during your period in the Executive Council ?

A.—That is what I have said.

(*Sir Muhammad Shafi*).—*Q.*—Did you ever make a formal protest against this procedure adopted by the Governor ?

A.—It concerned the Ministers, but I think I pointed out the incorrectness of the procedure.

Q.—In writing ?

A.—I think orally ; but surely one desires to work as much smoothly as possible to carry on the Government and avoid friction.

Q.—In spite of the fact that your own privileges and rights were driven a coach and pair through in this manner ?

A.—Are you asking about the privilege of the Ministers or the Members, Sir Muhammad ?

Q.—Did the Members of the Executive Council formally protest against this procedure ?

A.—You must make a distinction as to what about. If it was the treatment of the Ministers, then it was not for the Members to protest. As regards the treatment of the Members, protests were made about the rules and the manner in which they were worked.

Q.—I want to make this point clear. Speaking with all the authority of a Member of the Executive Council which you yourself were for two years, you come to this Committee and tell us that in Bombay during the years you were a Member of the Council the system of dyarchy was not in your judgment at any rate worked in the manner contemplated by the Act, the rules and the instructions ?

A.—It was so.

Q.—As a test of dyarchy it was useless ?

A.—I think so.

(*Mr. Jinnah*).—*Q.*—Would you like to try dyarchy again with another Government ?

A.—Certainly not.

Q.—You say that the Ministers had to struggle in order to have their own way and they succeeded only by keeping the threat of resignation in the background and that in this way they succeeded in giving effect to their policy in the beginning that is to say, that in spite of the fact that the Act was not carried out, still the Ministers did succeed in pressing their points ?

A.—Mostly.

Q.—You won't regard that as a normal method of administration ?

A.—No.

Q.—You yourself, Sir Chimanlal, as a Member of the Executive Council had to deal with the services ? Did you have any embarrassment in dealing with them ?

A.—Not in the least. On the contrary as I have always said I derived the greatest assistance and loyal co-opertion from the services.

Q.—Why do you say that the Ministers were embarrassed by the control of the services being vested in the Secretary of State ?

A.—In this way, that if the control, the salaries and the discipline of officers under Ministers were vested in the Secretary of State, *ex hypothesi* that was a system that can work.

Q.—It was only a theoretical objection to the system and that there were no difficulties in practice ?

A.—Cases were bound to arise in practice which would create embarrassment.

Q.—Did they arise ?

A.—Not that I know of. The Ministers would know better.

Q.—Then it is a theoretical statement, not based on practical difficulties. You assume that there would be embarrassment because of this, not that there were actually any ?

A.—There were one or two instances in which there was embarrassment. If you want me to give them I can.

Q.—The services under you were also under the control of the Secretary of State ?

A.—I was not concerned with this difficulty as I formed a part of the reserved half. This concerns only the Ministers, you see.

Q.—Then am I to understand that although your relations with the services were satisfactory, the Ministers' were not ?

A.—I did not say that. If you will allow me I will explain what I mean. Instances did occur in which Ministers wanted to take a particular action with regard to a particular officer in their department.

Q.—You mean to punish him ?

A.—Not disciplinary action. A case occurred, I believe, in the Excise Department. The Minister wanted to abolish a post and to do away with the present incumbent. Not that he was at fault in any way. It was not a question of discipline in that sense.

Q.—Was it a question of retrenchment ?

A.—Yes. He wanted to do away with that appointment and gave notice to the man as contemplated by his agreement. That officer happened to be in England at that time on leave. He approached the Secretary of State and the Secretary of State wired saying that it should not be done. What happened was that the Governor took the view that he should be retained and the appointment should not be retrenched. The Minister stuck to his view and ultimately the Governor yielded but if I am right he wired to the Secretary of State saying that the Governor sanctioned this retrenchment but he did not agree.

Q.—He carried out his constitutional position ?

A.—So he did. I am only pointing out the embarrassment which a Minister was subjected to. I am not blaming the Governor. All that I am pointing out is that the control of the Secretary of State creates such difficulties.

Q.—The point I want to get on is this, that although your personal relations with the services were good, the Ministers' were not ?

A.—I can not presume to speak for the Ministers but I think their relations were also good.

Q.—Possibly you intend to convey that they were not as good ?

A.—So far as I am concerned I have nothing to complain about the manner in which the services carried out their work.

Q.—Then when you say that the position of the Ministers was further embarrassed by the control of the services being vested in the Secretary of State you do not mean to suggest that the Ministers had unhappy relations ?

A.—I do not mean to say that the services tried to thwart the Minister or his policy ; I think they served the Ministers loyally. What I mean is that the control of the Secretary of State was calculated to the Ministers very much.

Q.—Then you attack the constitutional position and not the personnel ?

A.—That is so.

Q.—You recognise that the Ministers did very useful work ?

A.—Yes.

Q.—You say that the Legislative Council displayed considerable sense of responsibility ?

A.—So they did.

Q.—You refer to the first Council ?

A.—Yes.

Q.—You were not in a position to observe the second Council ?

A.—I have not had experience of the second Council.

Q.—You suggest that an advance should be made towards provincial autonomy and that a bold step should be taken. You recognise however that it will involve a lowering of the standard of efficiency and you say that possibly law and order will not be sufficiently maintained. What is your reason for saying that ?

A.—It is in this way. Suppose you have a Minister in charge of Law and Order. He would have the pressure of the Legislative Council on him.

Q.—Not to maintain law and order ?

A.—I do not say that. On particular occasions the Legislative Council may not quite realise the danger of the situation or may not quite realise their full responsibility about any particular matter and pressure may be put on the Minister not to take any particular step in the interests of law and order and such a thing may conceivably happen. But as I say you have to go through that period at one time or another but very soon the Legislative Council and the electors will recognise their sense of responsibility to strictly maintain law and order and then there will be no trouble. Some lowering of efficiency is bound to happen whenever the change is made.

Q.—Do you prefer to have it now ?

A.—It is better to go through it now when you have the conditions favourable in the manner I have indicated.

Q.—You recognise in paragraph 16 that safeguards are necessary, indicates some fear about your own proposals ?

A.—When you inaugurate any proposals it is wisdom to provide safeguards lest things may not go wrong.

Q.—You know it has been said that in the reforms which have been granted to India the safeguards have been so great as to minimise the effect of the reforms ?

A—It all depends on what the safeguards are.

Q.—You propose a rather strong safeguard when you say that the Governors should have emergency powers to preserve tranquillity. That seems to me to argue that you do rather fear that your proposal might involve a serious breakdown of law and order ?

A.—I do not fear that. You can well conceive cases in which such emergency power may be wanted and it is always safe in any constitution to provide for emergency powers.

Q.—It is not necessary to have any safeguards when once you get self government ?

A.—No, when you arrive at complete and stable Self-Government. We have not yet come to that.

Q.—You do not think the time has arrived for that ?

A.—Until we have full responsible government you have to maitain these safeguards.

Q.—You would maintain them in the provinces at any rate on your scheme ? You have some idea that a second Chamber might be useful ?

A.—Yes, I have no decided views about it, but such a suggestion has been made, and I think it it is worth considering, because it may be thought desirable to have a second chamber to correct any hasty decision of the popular legislature.

Q.—You recognise that advance in the provinces may also require a strengthening of the Central Government ?

A.—Certainly.

Q.—Can you yourself conceive a number of states in India practically free from control of a central government ? Can you conceive that position ?

A.—Not for a considerable time.

Q.—Can you conceive of it ever ? I am only talking of it as a constitutional possibility.

A.—When you have small states in that manner, you do require some federal government.

Q.—If you have a congeries of states, you must have some form of central organisation which performs central functions ?

A.—I quite agree.

Q.—It would not be possible, in other words to abolish the central government ? That would lead to a warring between the states, or at any rate to a disorganisation of government ?

A.—Yes. A central government is necessary to adjust conflicting interests. It is necessary to have harmony and uniformity in certain matters.

Q.—Has it ever struck you that one of the difficulties about any extension of responsible government to the provinces is the size of the provinces ?

A.—I do not think so. In certain provinces that may be ; there may be some readjustment of the provinces.

Q.—Take your own province of Bombay. I understand that Sind differs from the rest of Bombay in many characteristics ?

A.—Sind is so geographically situated that in whatever province you put it, there would be that difficulty.

Q.—You know that under the Act it may be constituted a sub-province with a deputy Governor ?

A.—Yes.

Q.—Have you ever considered whether that power could be usefully employed ?

A.—I do not think it was ever considered.

Q.—Have you personally considered it ?

A.—I cannot say I have, though the thought has occurred to me, and when I was in Government I did mention it once or twice informally to my colleagues.

Q.—We have been told a good deal in the course of the evidence we have had from various witnesses of the difficulties caused by racial and

communal distinctions between Hindus and Muhammadans. Has it ever occurred to you that so to arrange the provinces as to bring the majority of one community where possible, under one administration ?

A.—I do not know how that is possible. Take for instance Bombay, you have Muhammadans in Gujerat, you have Muhammadans in the Deccan.

Q.—Take your own province, would not Sind be generally a Muhammadan province ?

A.—Yes, a very large majority are Muhammadans.

Q.—You say nothing in your note about electorates ; do you consider the electorates require revision in Bombay, or any other province, and would you recommend any enlargement or restriction, or are you satisfied that they are the best we can get ?

A.—I cannot say we are very satisfied, but I do not think we can do better.

Q.—Would you say the ordinary elector in Bombay is an intelligent man, intelligent to the extent that he is able to recognise the advantages of good administration ?

A.—Oh yes I think he is intelligent in the sense in which electors in other countries are.

Q.—Why I asked the question was because one witness from Bombay told us that good administration was mainly appreciated by the intellegensia ?

A.—I do not know that. Good administration will be appreciated by the lower strata of society.

Q.—You think the Bombay elector is just as keen on good administration as you are ?

A.—You cannot make comparisons ; he may not be as keen as myself, but certainly sufficiently keen.

Q.—Just as keen in appreciating the results ?

A.—That may depend on his education and experience, but with such education and experience as he has got and such intelligence as he has been endowed with he is keen and can understand.

Q.—Do you think the ordinary member of the Bombay Legislative Council understood the constitution he is working under ?

A.—Oh I think he did.

Q.—That is rather curious, because you say once there was a party formed they excluded the Ministers from it.

A.—I have given the reasons for that in my memorandum.

Q.—That is a curious view of things. If you belonged to a political party in England you would not exclude Lloyd George ?

A.—It is singular that that should have happened, but that showed the abnormal state of things and showed how the ordinary mentality of the people was unhinged owing to the events I have mentioned.

Q.—Would it not be possible that this action was taken because they utterly failed to understand the constitution ? They really did not understand the political position ?

A.—I quite agree that they did not quite appreciate the implications of the new constitution, but the reasons were of the character I have mentioned.

(*At this stage Sir Muhammad Shafi took the Chair.*)

Sir Muhammad Shafi.—*Q.*—With reference to your statement towards the end of paragraph 10, page 6, in which you say that the position of the Ministers was further embarrassed by the control of the services being vested in the Secretary of State. Do I understand you to mean that the embarrassment lay in this, that while the Minister was responsible to the Legislative Council for the proper discharge of his functions, the services which constitute the machinery for the administration of that subject were not subject to his control, but to that of the Secretary of State? Therein lay the embarrassment that you speak of in this sentence?

A.—Exactly.

Q.—That was not the case of the Members of the Executive Council, for both they as well as the machinery for the administration of the services were responsible to the Secretary of State?

A.—Yes.

Q.—Now with regard to your proposals in relation to the Central Government and Legislature, you observed in paragraph 17 that foreign relations, defences of the country, the military departments and law and order may continue to be reserved subjects. Supposing in regard to any matter concerning any of these departments, the Government of India and the Central Legislature were in agreement, would you or would you not advocate the relaxation of the Secretary of State's control in such circumstances?

A.—I would.

Q.—Further, supposing in regard to a matter which was not brought before the Central Legislature at all, but on which the Government of India were unanimous, that is to say the Viceroy, the Commander-in-Chief, the three European Members and the three Indian Members of the Viceroy's Executive Council were of the same opinion, would you or would you not relax the Secretary of State's control in those circumstances?

A.—That I do not know. It is very difficult to answer a hypothetical question of that kind.

Maharaja of Burdwan.—*Q.*—In answer to the question I put when the Chairman was examining you, you said there were joint meetings of both parts of the Government when matters relating to legislation came up. Now did you, as a Member of the Government, get any complaint, unofficially perhaps, from the Ministers that there were other matters which ought to have been brought up?

A.—I do not think the Ministers would complain to me. In justice to them I should say they were quite loyal to the constitution they were working and they would not come and complain unofficially to me about it; but I did not require their complains to be informed about what was happening. I could see what was happening and I did point out on occasions that what was happening was not quite the right thing.

Q.—In other words you thought that there were matters relating to the transferred departments which ought to have been brought to the notice of the Government as a whole at a joint meeting ?

A.—As I have said already, on some occasions I took the liberty of pointing that out.

Q.—Did you ever consider whether or not the desire of the members of the reserved side to bring matters of ordinary administration in the transferred departments to the notice of Government at a joint meeting might have been resented by the transferred half ?

A.—I do not see how they could have resented it when it was the procedure laid down by the Joint Parliamentary Committee.

Q.—But what I feel is this, that according to the rules as they exist, it strikes me that ordinarily at a joint meeting reserved subjects are more likely to be discussed than transferred subjects ?

A.—That all depends upon how you work it. Why should the one half be more likely to be discussed than the other ?

Q.—I think in every province it was found to be the case.

A.—That only shows that every province worked the constitution not in the quite right way.

Q.—But does it not also tend to prove that Ministers, when they took up cases to the Governor, were able to dispose of their cases in such a manner that very often it was not necessary to refer the matter to a joint meeting of Government ?

A.—No. Surely you do not suggest that every Minister on every occasion found himself in such complete agreement with the Governor that he never thought it necessary that a joint meeting of the Ministers should be convened.

Q.—I did not say a meeting jointly with the Ministers because that is a matter on which the Ministers only could say whether it was necessary or not. My point was this, that in actual practice it may have happened that there were more cases for a joint meeting of Government in cases which related to the reserved side than those which related to the transferred side.

A.—That is possible.

Q.—And if you accept that possibility, then the question whether or not fewer meetings of the transferred side were held was a mistake may be questioned ?

A.—I do not think so because I can well understand if joint meetings of Ministers were held but not joint meetings of the whole Government ; then your suggestion has foundation. But if I find that even no joint meetings of Ministers were held, surely it cannot be that in every matter the Ministers agreed with the Governor in every case.

Q.—But up to now the opinions which have been produced before the Committee have conclusively proved that in no province were there any joint meetings of Ministers. All the joint meetings that were held with the Governor were between the two halves of Government. There was no joint meeting of the Ministers alone. I do not think any witness has given us any information that there was any joint meeting of the transferred side of the Government ?

A.—Does not that show that the joint responsibility of the Ministers, which the Parliamentary Committee insisted on, was never carried out ?

Q.—You as a Member of the Government, not as a Minister, agree in thinking that joint meetings of Ministers ought also to have been held ?

A.—I quite agree. If joint meetings of Ministers had been held, as they should have been, possibly the occasions for calling the whole Government for transferred subjects would have been very much minimised.

(At this stage Sir Alexander Muddiman resumed the Chair.)

Q.—As regards your paragraph 12, I do not want to go into detail, but I should like you to explain to me what the procedure was in your Government regarding what we call Schedule I appointments. Schedule I appointments ordinarily are in the hands of the Governor himself and in Schedule I appointments, the Governor generally, after agreeing with the department, circulates to the other Members of the Government that he proposes to put A in district so and so, or B in Division so and so, or C in Department so and so, and asks them if they agree, and the other Members of the Government either concur or express whatever view they may wish to express. Was that the practice in your Government ?

A.—I am not sure whether we had anything like Schedule A or B.

(Dr. Paranjpye).—*Q.*—Was there an appointments department in your Government ?

A.—No.

Q.—You had no appointments reserved for the Governor himself ?

A.—No.

Q.—Because in other provinces the practice, I believe, is in case of appointments of that nature the Governor makes the appointment, but takes the concurrence of the Members of Council. You had no such procedure in your Government ?

A.—No, I do not think we had. Every department concerned initiated the proposal. If the Member in charge agreed the proposal was then sent up to the Governor, and if the Governor agreed, as I have said, it was circulated to the other Members.

Q.—In the case of these appointments when they were accepted, you say the announcement in the Gazette stated:—" The Governor in Council is pleased to appoint." ?

A.—Yes that was so.

Q.—And then it was modified to " The Governor is pleased to ? "

A.—That continued for some time until attention was drawn to it, and then it was modified ?

A.—Yes.

Mr. Jinnah.—*Q.*—Do I understand you to say that, although under the Government of India Act the Governor was not a constitutional Governor in the strict sense of the term, he was expected to act as one ?

A.—That is my view.

Q.—That was left to him to do under the Instrument of Instructions partly, and partly under the recommendations of the Joint Committee ?

A.—Yes.

Q.—That gave him very arbitrary powers ? The Act itself gave him absolute powers, but he was expected to act more or less as a constitutional Governor under the Instrument of Instructions ?

A.—I may be wrong, but my own view has always been that it was a wrong reading of the section that he had absolute powers.

Q.—If that is the correct view, that gave him undoubtedly very arbitrary powers ?

A.—Yes.

Q.—As a matter of fact you remember the Joint Committee themselves say:—" In such cases it will be inevitable for the Governor to occupy the position of an informal arbitrator between the two parts of the administration and it will equally be his duty to see the decision arrived at on one side of his Government is followed by constitutional action, and on the other side it may be necessary to make the policy effective between them. The position of the Governor will be thus one of great responsibility and difficulty and also of great opportunity and honour." Therefore am I right in saying that, whether success would have been achieved by this system of dyarchy entirely depended upon the Governor and how he acted ?

A.—It did. It did depend upon him to a large extent ; it also depended on the way in which the Ministers behaved and the Legislative Council behaved.

Q.—But if you happen to have a very autocratic Governor and if you happen to have a very arbitrary Governor, then he can absolutely impair the thing ?

A.—Yes, it makes all the difference.

Q.—Now do you think such a thing is desirable to continue any longer a constitution of that character ?

A.—I do not think so.

Q.—Then I take it you would prefer, so far as the provinces are concerned, not merely the Governor to act as a constitutional Governor, but that he should be clearly defined as a constitutional Governor under the statute ?

A.—I would leave no room for doubt.

Q.—Perhaps you have heard that it has been suggested that some means can be made under the Act and the rule-making powers ?

(*Mr. Chairman*).—That is what this Committee was convened to consider.

Q.—I am fully alive to that, Sir, but also the Committee is met here to consider something else. Now it has been suggested by several witnesses that you can make considerable improvements in the system of dyarchy under the present existing Act and the rule-making powers. Have you considered that point at all, whether it is possible ?

A.—I have said in my memorandum, that that will not do.

Q.—That is so far as the provincial governments are concerned. You belong to the Moderate Party ?

A.—It is called the Liberal Party.

Q.—And you were always anxious really to give a fair trial to these reforms ?

A.—Oh yes, that is why I accepted office under the new reforms.

Q.—And you did give them a fair trial I take it ?

A.—I did all I could.

Q.—And you have come to the conclusion that dyarchy is a failure ?

A.—Has become a failure owing to the reasons I have mentioned.

Q.—In paragraph 16 you use the words : " The vesting in the Governor of Provinces certain emergency powers for the maintenance of tranquility in his province." What have you got in your mind exactly ?

A.—One can well conceive an emergency in which the tranquillity of the province may be in danger and the Governor should have power to take action in such a contingency.

Q.—I see what you have got in your mind, I quite appreciate that. If you have provincial autonomy, well then you will have a constitutional governor with a cabinet responsible to the Legislature, and the Legislature responsible to the electorate ? Now in that form of government what safeguards do you wish to provide which will vest powers in the governor of a province for the maintenance of tranquility in that province ?

A.—Supposing in a great emergency the person in charge of that part of the government, in the view of the Governor did not take proper and immediate steps to meet a grave situation of that character, then he should have the power to take such measures, but this will be under very exceptional circumstances and he will have to justify his action.

Q.—Then it comes to this, you mean in the case of grave danger to the maintenance of tranquillity the Governor should have some emergency powers, not otherwise ?

A.—Yes.

Q.—With regard to the question which was put to you by Sir Muhammad Shafi in relation to section 19 A of the Act, the devolution of the powers of the Secretary of State, have you considered that point in relation with section 131.

A.—That preserves the power of the Secretary of State and Parliament.

Q.—Do you think he can delegate any powers by devolution. In other words, can he divest himself of the responsibility under the Act taken together with section 131 ?

A.—I don't think he can.

Q.—Now would you consider that a satisfactory arrangement even if there was a convention introduced, namely, that whenever the Legislature and the Government of India agree the Secretary of State should not interfere—would that be a sufficient advance in the Central Government ?

A.—I would rather have the position legally defined.

Q.—You see the suggestion is this, that so far as the Central Legislature is concerned you can make this advance under the Act already ?

A.—You can only make that advance by the forbearance of the Secretary of State.

(*Sir Tej Bahadur Sapru*).—*Q.*—By convention ?

(*Dr. Paranjpye*).—*Q.*—You have had enough experience of forbearance in the Bombay Council ?

A.—That is too sweeping a generalisation.

Q.—Let us concentrate on this point. Supposing by the forbearance of the Secretary of State for India to exercise his powers—in other words, supposing a convention were established that wherever the Government of India and the Legislature agree, their decision should be final in all matters ;—supposing it can be done under 19A and 131A—it is suggested

that ought to satisfy for the present as a substantial advance in the Central Government ?

A.—I don't think that would be satisfactory. I would have the position defined in law.

Q.—Now in the Central Government you also say that all the subjects should be transferred except Law and Order, Foreign Relations and the defence of the country—the Military Department. Why do you want Law and Order to be reserved in the Central Government, when in the provinces you do not want to reserve any subject at all ?

A.—Because occasions can be conceived when some thing may happen or may be about to happen and which may affect the whole country.

Q.—Would you not rather give emergency powers to the Governor General in that case ? The administration of law and order is a normal state of things. If any grave eventuality takes place would you not give the same kind of powers..... ?

A.—But even outside any grave emergency of that character there may be questions of law and order arising which it may not be quite satisfactory for or competent to all the various local Governments to deal with,—some question of all-India importance which may react on all the provinces ?

(*Sir Tej Bahadur Sapru*).—*Q.*—Do you mean legislation with regard to law and order ?

A.—Legislation and also executive action.

Q.—The difficulty I find is this. So far as legislation is concerned with regard to law and order (we will confine ourselves to that subject)—so far as legislation is concerned, of course the Governor General can always veto any measure which is likely to affect or the consequence of which might be that it may affect law and order or the public peace. We have already got the power of veto. Now we get beyond that normal constitutional position of the Governor General. Well, then with regard to the daily administration of law and order surely you don't want that to be a reserved department ?

A.—As I say, it is very difficult to give an example but one can conceive a case arising where the whole of India is affected.....

(*Sir Sivaswamy Aiyer*).—*Q.*—Supposing for example they voted for the discharge of all political prisoners ?

Q.—By Resolution ?

(*Sir Sivaswamy Aiyer*).—Yes.

Q.—A Resolution is not binding on the Government. ?

A—What Sir Sivaswamy means I think is supposing some local Government took the action or proposed to take the action that all political prisoners should be released at once in their province. You can well conceive a case in which such an action with regard to any particular political prisoners in that province may have a very serious reaction and effect on the whole of the country and you can well conceive a case in which it may be necessary for the Central Government to interfere.

(*Dr. Paranjpye*).—*Q.*—But that does not mean the subject should be reserved in the Central Government. The Central Government may consider it in its transferred side ?

A.—Yes, but the transferred side would be under the same supposed disability as the transferred side in the provinces.

Q.—We are not contemplating responsible government in the Central Government also. Besides the Army, Foreign Affairs and Defence you

have added to that Law and Order. If you keep that as a reserved subject you are giving me an instance. Supposing in a province the provincial Government—the responsible Government for the province—is of opinion that certain political prisoners ought to be released in that province. Well, in the first instance are you thinking of the past political prisoners or the fututre ?

A.—I don't think that makes any difference.

Q.—It does make a differenee. May I point out to you that when the responsible Government that has been carrying on the government of the province has with the support of the legislature taken certain steps the result of which was that so many political prisoners were sent to jail—do you think that when that Government, that responsible Government decides for some reason that they should be released, that decision should be interfered with by the Central Government ?

A.—Not ordinarily, I quite agree, but I can conceive an exceptional case where it may be necessary.

Q.—Is it for that one exceptional case that you would reserve the department of law and order.

A.—We are only contemplating here again a transitional case.

(*Sir Muhammad Shafi*).—*Q.*—According to your plan complete provincial autonomy is to be conceded to the provinces. Once that is conceded and Law and Order becomes a transferred subject too, how can, if that position is to hold good, the Central Government interfere in the case you put now ?

A.—That is a different question from the one Mr. Jinnah was asking.

(*Sir Muhammad Shafi*).—*Q.*—It is practically the same question put in a different form.

Q.—I was only putting it to you in a different way. The point is the same.

A.—After all, if you have a Central Government, the Government of India, which is responsible in law for the ultimate administration of the country and for law and order in the country, surely there ought to be some reserve power of that character.

(*Sir Muhammad Shafi*).—*Q.*—But with the transfer of responsibility—transfer in all matters including Law and Order—to the Provincial Governments by reason of complete provincial autonomy having been granted to them, isn't the reservation of power *qua* a transferred subject inconsistent with complete provincial autonomy ?

A.—If all subjects are going to be transferred to the provinces, are you then prepared to do away with the Government of India altogether ?

Q.—It is your view I am testing. The question that you have put to me is beside the point. My question was you advocate the grant of complete provincial autonomy to the provinces including.....

A.—That does not conflict with certain safeguard and control somewhere else.

(*Sir Muhammad Shafi*).—*Q.*—Let me finish the sentence. Including also Law and Order, and yet you say that in the particular case that you have mentioned the Government of India should still continue to possess authority to interfere with the action taken by the Provincial Government. Aren't the two things inconsistent ?

A.—I do not think they are inconsistent.

Q.—I take it that you do not attach really very great importance to that—that it must necessarily be a reserved subject, Law and Order ?

A.—I do not know if you are going to have in the Government of India a transitional stage also.

Q.—If you are talking of legislation I can understand, but not as put generally there ?

A.—I have not worked the detail of the control the Central Government should have.

Q.—Of course I am only trying to put to you some difficulties. Another difficulty may I point out.....

(*Maharaja of Burdwan*).—*Q.*—May I put him one question before you go on with yours. In other words, Sir Chimanlal, your idea is that just as in the transitional stage in the provinces you had Law and Order a reserved subject, so in the transitional stage of the Supreme Government you want to have that a reserved subject also ?

A.—To a certain extent yes, but the two cases are not quite alike.

(*Maharaja of Burdwan*).—*Q.*—But what Mr. Jinnah means is that if you give provincial autonomy but make this a reserved subject in the Central Government you show that you don't trust your Ministers, and therefore want to keep the control in the Central Government ?

A.—I don't think that follows.

Q.—Another difficulty I was going to point out is this. If you have Law and Order as a reserved subject, I think you will agree with me that a division of subject creates a dyarchy ?

A.—We propose starting with dyarchy in the Central Government.

Q.—Then you will start with dyarchy in the Central Government ?

A.—Yes.

Q.—And you know once you have dyarchy in the Central Government Law and Order is a subject which is interwoven with all the other subjects ?

A.—To a certain extent.

Q.—Directly or indirectly ?

A.—To a certain extent, yes.

Q.—And therefore you will be faced in the Central Government with the full pressure if you reserve Law and Order ?

A.—But would you not have dyarchy in the Central Government ?

Q.—Well then if you have dyarchy in the Central Government you will not have a constitutional Governor General ?

A.—I don't know. A constitutional Governor General *qua* the transferred subjects.

Q.—Then you will divide the Government into two halves ?

A.—So you do when you have dyarchy—there is no other way.

Q.—There will be no joint consultation, no Cabinet responsibility ?

A.—Why not ? In dyarchy what was contemplated was joint consultation.

Q.—But you want to do away with that, you want to define clearly.

A.—That is in the provinces. I want to do away with dyarchy in the provinces. But if you introduce dyarchy in the Central Government you work it according to the original conception.

Q.—Therefore you are going to do away with dyarchy in the provinces but still you want to establish dyarchy in the Central Government. That is what it comes to ?

A.—Yes, I do. As I say, dyarchy is not unworkable in itself. It has become unworkable in the provinces and cannot be worked now because of the reasons I have mentioned.

(*Sir Sivaswamy Aiyer*).—*Q.*—You would have a moiety of subjects with a constitutional Governor General ?

A.—Yes.

Q.—Now, I have done with that part. Again, you say foreign relations and the defence of the country should be reserved subjects. In whose charge would you give the defence of the country as a reserved subject ?

A.—I do not follow.

Q.—Would you create another member in charge of defence ?

A.—At present you have the Commander-in-Chief.

Q.—If you will look at section 33 of the Government of India Act, it says :

> "Subject to the provisions of this Act and rules made thereunder, the superintendence, direction and control of the civil and military Government of India is vested in the Governor General in Council who is required to pay due obedience to all such orders as he may receive from the Secretary of State."

At present this is all he has and there is no particular person so far as I know who is in charge of that department except that the Commander-in-Chief is supposed to be the head of it.

A.—Is he not supposed to be the Member-in-charge of it ? He is a member of the Executive Council. He is part of the Governor General in Council.

Q.—Anyway you have not considered this question carefully, that if you keep this as a reserved subject you will or will not create a new Member or in whose charge it will come ?

A.—That will have to be worked out and probably considered. I cannot give an opinion.

Q.—The same answer I suppose would apply to foreign relations.

A.—Yes, I have not worked that out.

Q.—Well now have you considered that wherever the defence of the country may rest—which may be worked out later, have you considered whether any definite scheme should be drawn up with regard to the future composition and constitution of the Indian Army ?

A.—Undoubtedly. Unless you do that in a very serious manner and unless you take steps to make Indians capable of defending their own country in the sense of having their own Army and officers within a reasonable time, nothing is any good at all. Whether you have dyarchy or not in the Central Government, or whether you have the Central Government as it is now—that is a step which you must take by itself and urgently.

Q.—Have you considered what should be done ?

A.—No, I cannot say I have but I do want a scheme that would secure the desired result within a reasonable time—not 50 years or 200 years

hence. We want to make the Indian Army a really Indian Army as early as possible.

(*Mr. Chairman*).—*Q.*—That will not be effected by amending the Government of India Act ?

A.—As I said, whether you have dyarchy in the Central Government or not, that is a thing which ought to be worked out by itself and the sooner it is done the better. All schemes of self-government would be entirely defective unless you have the Army scheme properly worked out so as to give full opportunities to Indians to be officers in all branches of the military service within a reasonable time :—till you have, as I say, a real Indian Army created capable of defending their country, all this is nothing.

Q.—You mentioned that there is nothing to prevent the Government even under the present constitution to undertake a definite scheme which shall Indianise or nationalise the Indian Army which may be handed over to the responsible Legislature whenever that may come within a reasonable time.

A.—Exactly. It can be done. It could have been done.

Q.—It might have been done long ago ?

A.—Yes.

Q.—But it has not been done and is not likely to be done.

Q.—This is independent of the Government of India Act. It was just suggested by the President that it wont make any difference to that question whether you amend the Government of India Act or not. It will depend on how you amend the Government of India Act, in what manner you amend the Government of India Act. For instance, you have section 33 only which says that the military Government of India is vested in the Governor General in Council and it is quite possible that you may create a department for the defence of India and that department's business should be to see that the Army is Indianised as soon as possible. It therefore depends on how you amend the Government of India Act.

(*Mr. Chairman*).—*Q.*—It depends on how you work it ?

A.—Yes. Also if you have Ministers in the Government of India in the transferred subjects responsible to the Indian Legislature then the process will be accelerated.

Q.—As I say, it depends entirely on how you amend the Act. Therefore you can improve even the military position by an amendment.

A.—Yes, you can.

Sir Henry Moncrieff Smith.—*Q.*—You say that there is little if any indication of the formation of a party system in India, and you go further and say the fact is that no healthy party spirit is growing or can grow under existing conditions. Will you tell us what the existing conditions are that you have in mind ?

A.—I have there in mind the existing constitution of dyarchy in the provinces. Unfortunately, as I have pointed out, the events that have happened have rendered the proper working of the constitution infructuous, and if you continue the present system then there is no possibility in my mind of the growth of a healthy party system, because at present what happens is, whatever different sections and parties there may be it is really one party in opposition to Government. But if you have real provincial autonomy then you will have parties formed on

differences of political views and you will have certain people supporting the policy of Government.

Q.—That is, there will be only differences of political view ; communal questions will disappear altogether so far as your Legislature is concerned ?

A.—Very largely. Communal differences no doubt are there and have been recently more prominent but I do not consider that insuperable. That will disappear.

(*Sir Muhammad Shafi*).—*Q.*—You consider that a merely passing phase ?

A.—Yes, as the result of certain events that have happened.

Q.—You do not contemplate full provincial autonomy everywhere in India at the same time. You do not contemplate a uniform advance everywhere ?

A.—No, not necessarily. I quite agree it is possible to differentiate between the stages of advance in the different provinces.

(*Sir Muhammad Shafi*).—*Q.*—But wouldn't that create discontent in the provinces in which the same advance was not made ?

A.—Why should it ? They should work up to the higher standard which secured the recognition for the other provinces.

(*Sir Muhammad Shafi*).—*Q.*—Do you think the provinces would admit that they had not come up to as high a standard as the others ?

A.—They might admit it or not, the fact would be there.

Q.—Do you think Bengal has proved itself fitter for full responsible government than Assam ?

A.—By what do you wish me to judge ?

Q.—By past experience—by what has happened.

(*Mr. Chairman*).—By their fruits shall we know them.

Q.—I take it, it is a question of fitness.

A.—It should be judged under all the circumstances.

Q.—Which would you consider the fittest province to get the advance ?

(*Sir Tej Bahadur Sapru*).—*Q.*—Not Bombay ?

A.—Certainly Bombay.

Q.—And after Bombay ?

(*Sir Muhammad Shafi*).—*Q.*—In spite of all the unsatisfactory working of the Act which you have so graphically pictured in your memorandum ?

A.—But who is responsible for that ? Not we. My opinion may be impeached as not impartial but I do think Bombay is sufficiently advanced for immediate provincial autonomy.

Q.—Would you put Bengal second ?

A.—It is very difficult to assign places like that but I do think you can have provincial autonomy in all the major provinces ?

(*Mr. Chairman*).—*Q.*—Would that include Assam ? Do you regard Assam as a major province ?

A.—No.

Q.—Or the Central Provinces ?

A.—Yes.

Q.—Bihar and Orissa and the Punjab, the United Provinces ?

A.—Yes.

Q.—In fact Assam is the only one you would leave out ?

A.—Strictly speaking the major provinces are really Bombay, Madras and Calcutta.

(*Sir Muhammad Shafi*).—*Q.*—What is your criterion as to which province is a major and which is not a major province ?

A.—If I remember rightly I think they have been so differentiated in the Act itself as Governor's Provinces.

(*Sir Muhammad Shafi*).—*Q.*—They are all Governor's Provinces now ?

A.—I mean there has been some distinction made about the Presidency Provinces.

(*Mr. Chairman*).—*Q.*—Ah yes ; Calcutta, Bombay and Madras.

Q.—That is what you had in mind—provincial autonomy in the three Presidencies to begin with, and the United Provinces and the Punjab to get something less ?

A.—I have no experience of the Punjab myself, but certainly in the United Provinces. Of Bihar I don't know the conditions at present and cannot say.

Q.—You say it is better to make this further advance while you have got your trained Civil Servants and you feel that the Civil Servants may be trusted to assist the Ministers ?

A.—Yes.

Q.—Would you have your officials nominated as members of the reformed Legislature ?

A.—No.

Q.—You would exclude them, except so far as the Ministers are concerned ?

A.—The Ministers will be there.

Q.—You think the Local Council would be quite capable of coming to any decision without the help of expert advice, from the heads of departments, for instance ?

A.—I am not wedded to any particular view about it. If it is considered desirable to have a certain number of officials—a reduced number—I won't object.

(*Dr. Paranjpye*).—*Q.*—Of course, you could call them in, as experts, if necessary.

Q.—You have not attempted to work out any details, I presume, of your Second Chamber. You suggest a Revising Chamber. Would you explain to me what was in your mind ? Can you give me some idea of how the House will be constituted ?—will it be like the Council of State ?

A.—Yes, something like that.

Q.—In that presumably there would be a substantial official bloc—not a majority—because in the Council of State there is an elected majority ?

A.—Oh yes, there will be some officials.

Sir Tej Bahadur Sapru.—*Q.*—Sir Chimanlal, I take it that your experience has convinced you that it is impossible to rehabilitate dyarchy in Bombay ?

A.—I am clear about that.

Q.—Will you please tell the Committee why it is impossible to rehabilitate dyarchy ? Supposing you had a Governor who took you into confidence and who had joint deliberations and who let the Ministers and the Members of the Executive Council generally have their way, do you think it would be impossible to rehabilitate dyarchy ?

A.—I have said so. If you say, we will make a good start now, nobody would believe you. The public have lost all confidence in your good faith.

Q.—Then is it your suggestion that dyarchy has been so much prejudiced in the public eye that nothing can restore its credit now ?

A.—Yes, its working in the past has so condemned it—although it was not inherently bad, as I have pointed out—and it has shaken public confidence so greatly in the intention of Government, that it is not possible to rehabilitate it at all.

Q.—Well, now, Sir Chimanlal, you said just now that you are an advocate of provincial autonomy. Do you think that, if you had provincial autonomy, you would allow the Government of India on the one side and the Secretary of State on the other side to have still some control over your province or Presidency ?

A.—In what matters ?

Q.—In any matters. If you had full provincial autonomy, say in the Bombay Presidency, would you then allow the Government of India or the Secretary of State to have any say in your affairs ?

A.—Not in its internal affairs.

Q.—Now, if you were to exclude certain provinces from your scheme of provincial autonomy, does it not follow that there would still have to be on the Statute some power resting in the Government of India and the Secretary of State to interfere with these provinces ?

A.—Yes, with regard to these provinces.

Q.—So that you would give the Government of India and the Secretary of State a dual capacity—a capacity of authority in regard to certain provinces and no authority in regard to others. Does it not follow logically ?

A.—I don't see any difficulty in the way of doing that.

Q.—I don't suggest there is any difficulty ; but does not it follow ?

A.—Oh yes, it follows.

Q.—Now, with regard to the Government of India itself, you seem to suggest that you would have dyarchy in the Government of India. Now, if dyarchy could not flourish in the soil of Bombay, how do you think it is going to flourish in Delhi or Simla ?

A.—As I pointed out, it did not flourish because of the reasons I have mentioned. But, if you once grant provincial autonomy and restore public confidence and inspire mutual good-will, then dyarchy will work.

Q.—Then, am I to take it that, although you have lost all faith in dyarchy as a working proposition, so far as Bombay is concerned, you have still some faith in the theory of dyarchy ?

A.—As I have said, I do not condemn dyarchy in itself and say it is an unworkable thing. I don't think so. It became unworkable because of the causes I have mentioned. If you once largely eliminate those causes by granting provincial autonomy and restore good-will and confidence in the intentions of Government, then dyarchy will work in the Government of India.

Q.—Then, is it an essential condition of the working of dyarchy that there should be mutual good-will ?

A.—I think it is an essential condition for any system of Government, and *a fortiori* for dyarchy.

(*Mr. Chairman*).—*Q.*—Which makes peculiar demands on good-will ?

A.—It does, because it can only work by mutual forbearance, mutual tolerance and mutual confidence.

Q.—Supposing an attempt was made to restore good-will in the Bombay Presidency, do you think that dyarchy could still be worked there ?

A.—Much too late to do that. There are things which must be done at the proper time. The time has gone by for that.

Q.—Then no amount of good-will would lead to success in Bombay ?

A.—No amount of assurances and professions and promises would restore good-will.

Q.—And nothing short of provincial autonomy would satisfy you ?

A.—That is so.

Sir Sivaswamy Aiyer.—*Q.*—Sir Chimanlal, on page 3 of your memorandum—you say :

> " Those people who got elected to the legislatures on that occasion therefore laboured under the great disadvantage that they had not behind them solid public opinion and support which ordinarily they would have received and *Government on their side took full advantage of that fact on occasions.*"

I am not quite clear what exactly you mean by that. Will you kindly explain it ?

A.—I mean that they were perfectly conscious that the Ministers did not command public support, and therefore.....

Q.—That the Ministers were not properly treated ? Is that what you mean ?

A.—And therefore they did not pay sufficient respect and attention to their opinion. And if I remember rightly, Sir Sivaswamy, I think Sir William Vincent once in the Legislative Assembly said as much to the elected Members that after all they did not really represent the people—as at the polls or only a very small percentage noted.

Q.—You say in paragraph 5 :—

> " This entire misconception of the situation is well illustrated by the fact that, when it was proposed to constitute an association of the elected Members of the Bombay Council, with a view to discuss the policy to be adopted on various questions coming before the Council from time to time, it was promptly decided that the Ministers should not be admitted as members of that association."

The Ministers were not trusted even by the non-official Members of the Council ?

A.—No, the moment they took office, they were considered as part of the Government, and therefore to be opposed.

Q.—I suppose they were considered to occupy an anomalous position, with an obligation on the one hand to the non-official Members and an obligation on the other side to their colleagues on the reserved side, and therefore they were not trusted ?

(*Mr. Jinnah*).—*Q.*—They were supposed to be half and half ?

A.—Yes.

Q.—It is not a very enviable position for a Minister under dyarchy—a position in which he owes certain obligations to his colleagues on the reserved side and at the same time to the elected members on the other ?

A.—It is no doubt an inconvenient position but, as I pointed out, if certain adventitious circumstances had not arisen, it might have been worked, through with difficulty.

Q.—But there is a certain amount of disadvantage behind it ?

A.—In any system you can devise, there are bound to be disadvantages.

(*Sir Muhammad Shafi*).—*Q.*—What you mean, Sir Chimanlal, is that, but for the passing of the Rowlatt Act and the Martial Law in the Punjab, there would have been an atmosphere favourable possibly to the successful working of dyarchy ?

A.—I should think so. If the Reforms were started with mutual good-will and if people had confidence in the intentions of Government, which they had at one time, and if that confidence had not been shaken, then they would have had a chance.

Q.—In paragraph 8 you say that the Members did not know anything of what was taking place in the transferred half. Were the Ministers in any better position with regard to the reserved half ?

A.—They knew nothing.

Q.—They were in the same position ?

A.—Yes.

Q.—You say that, even when joint meetings were called to consider certain questions and Ministers were invited, they were often told that they were not concerned with the subject, but if they cared to express their opinion, they could do so. Do you think that that practice would have a very encouraging effect upon the Ministers to express their opinion ?

A.—Not in the least. They felt they were not wanted there.

(*Dr. Paranjpye*).—*Q.*—Did they actually express an opinion at all ?

A.—They did on occasions.

Q.—When you spoke of the position of the Governor as that of a constitutional head, I suppose you had this paragraph of the Joint Select Committee's Report in view, in which they say that, if after hearing all the arguments, Ministers should decide not to follow his advice, then, in the opinion of the Committee, the Governor should ordinarily allow the Ministers to have their way, fixing the responsibility on them, even if it should subsequently be necessary to veto their decision. I suppose that is the passage you had in mind ?

A.—Yes.

Q.—Then see your paragraph 11, page 6, in regard to the power to make rules and orders for the more convenient transaction of business in the Executive Council. Were the Members at all consulted in making the rules ?

A.—The power is vested in the Governor.

Q.—But what I want to know is whether in fact the Members were at all consulted in framing the rules ?

A.—No, we saw the rules when we had copies sent to us.

(*Mr. Chairman*).—*Q.*—I take it, Sir Chimanlal, that the rules were the rules of the existing Bombay Government ? Therefore, the rules were not framed for the reserved side. Did you have fresh rules framed ?

A.—Oh, yes.

(*Mr. Chairman*).—*Q.*—They were the same as the old rules ?

A.—Oh, no. In various places there were alterations. After the new constitution, new rules were framed.

Q.—When the new constitution came into force, were there any new rules of executive business framed with regard to the reserved half ?

A.—Oh, yes, the whole thing was recast.

Q.—And in the framing of these rules were the Members consulted before they were framed ?

A.—No.

Q.—Under the rules of your Council, a Member has no right, I suppose, to call for a meeting of the Executive Council ?

A.—That is how the rule was read—I don't think the rule meant that—but that is how it was interpreted.

Q.—In paragraph 12 you speak of the practice with regard to appointments on the reserved side. Do you know what the practice was in regard to the appointments on the transferred side ? On page 7 at the end of paragraph 12, you describe the practice on the reserved side in regard to appointments. Do you know what the practice was on the transferred side ?

A.—I may be a bit inaccurate but, so far as I remember, each Minister and the Governor dealt with the appointments in his department, because there was no joint Cabinet at all of Ministers. In the reserved subjects, the appointments went round to the Members. I do not know if in the transferred subjects the appointments never went round to all the Ministers. I do not think they did. Each Minister or rather the Governor with the concurrence of the Minister made the appointment.

Q.—The Ministers were never treated as a collective unit ?

A.—No.

Q.—You say on page 8 that no system of government would work, much less dyarchy, unless there is good-will and mutual confidence on both sides and in the previous sentence you say that it is impossible to put faith in any assurance about working the constitution in the right spirit. Do you think that speaking generally among the public there is no faith in the intentions of Government ?

A.—Unfortunately this absence of faith exists. Whether that feeling is justified or not is another question.

Q.—You think that feeling is very general ?

A.—Yes.

Q.—Except among a few Liberals do you think that there is any belief in the good faith of the Government ?

A.—It is more than I can undertake to say on behalf of everbody in the country. The general feeling is one of want of confidence.

Q.—Do you suggest an experiment being made in provincial autonomy in the larger provinces ?

A.—Yes.

Q.—You were asked whether it would not be anomalous that in the Central Government you should have one part dealing with autonomous governments and another part dealing with non-autonomous governments. Even under the existing system there are in some provinces agency tracts and scheduled districts which are backward and which are not governed by the ordinary laws and regulations ?

A.—I do not think the position would be anomalous at all if the Government of India have to deal with provincial autonomy in certain instances.

Q.—You are prepared to tolerate a certain amount of dyarchy in the Central Government as an experiment and as a sort of half way house ?

A.—You cannot have things perfect in the transition stage. You have to put up with these things.

Q.—In any scheme for advance which has been made, do you remember that Foreign and Political relations and defence have been included among the subjects in respect of which the Government should become responsible ?

A.—I think they have been always excluded so far.

Q.—To the extent to which any subjects are excluded from the sphere of responsibility in the Central Government it must partake of the character of a dyarchical government ?

A.—There is no other way.

Q.—You have no theoretical repugnance to dyarchy ?

A.—No.

Q.—You are prepared to tolerate it for some time in the Central Government as a stepping stone during the transitional stage ?

A.—Yes.

Q.—Your suggestion in paragraph 16, regarding the vesting of emergency powers for the maintenance of tranquillity, is that under a system of full provincial autonomy you would reserve certain powers to the Governor in extreme cases ?

A.—Yes.

Q.—If you give certain emergency powers to the Governor in respect of Law and Order, would it be necessary to treat law and order as reserved subjects in the central sphere ?

A.—That is what I have said.

Q.—Do you think it would be possible to inspire any confidence in the good faith of the Government unless a liberal policy were adopted with regard to the army ?

A.—Certainly not.

Sir Arthur Froom.—*Q.*—Sir Chimanlal, I propose only to put to you a few general questions. I take it that the committee is right in thinking that you have come to the conclusion that dyarchy has become a failure in Bombay and that in your opinion this is due to handling in the wrong spirit ?

A.—That is one of the causes.

Q.—One of the chief causes ?

A.—Yes.

Q.—Had dyarchy been worked in the right spirit which you have indicated to the Committee, you would have been prepared to accept it for ten years as a transition period ?

A.—That is more than I can say. It is very difficult to answer hypothetical questions of that character. It is not merely the wrong working of the dyarchy. There are other causes also.

Q.—When the reforms were started you thought that the scheme was a good one as for a transition period and then you thought it might work for ten years ?

A.—Yes.

Q.—I think you said so in your memorandum ?

A.—If certain events did not happen, which had the effect of shaking public confidence, people would not have been impatient. The thing would have been worked properly. They would have said " We quite realise that this is an earnest and *bona fide* attempt to work the reforms with a view to getting full responsible government in due course ".

Q.—You accepted office on the Executive Council when the reforms were introduced ?

A.—Yes.

Q.—And you resigned at the end of the life of the first Provincial Council ?

A.—Before that. I resigned in June 1923 and the Council came to an end in December 1923.

Q.—Would you care to tell the Committee why you resigned ? You wanted to go back to your profession ?

A.—I stated the reasons why I resigned in a letter that I wrote to the Governor at the time and it was published in the papers.

Q.—Did Ministers object to there being no joint meeting with Members at which transferred subjects were discussed ?

A.—I cannot say whether they complained or not. They would be able to say.

Q.—Did you hear of any complaint ?

A.—I think they were dissatisfied that the spirit of the constitution in that behalf was not carried out.

Q.—It is one thing to be dissatisfied and another thing to give voice to that dissatisfaction so that things may be put right ?

A.—If I remember rightly, the matter was discussed between the Ministers and the Governor and the Governor took the view that under the constitution there was no joint responsibility.

(*Dr. Paranjpye*).—*Q.*—Do you remember that the Law Officers had said that that was their opinion ?

A.—Yes. I remember now. The question was raised and it was definitely decided. The Ministers were told that that could not be done.

Q.—Did the members sympathise with the Ministers' views ?

A.—At least I did. I can speak for myself.

Q.—Could you tell the Committee if the members ever pointed out that joint meetings should be held ?

A.—Officially it was no business of the Members to do it. Unofficially I did.

(*Mr. Jinnah*).—*Q.*—With what result ?

A.—With the result that no change was made.

Q.—Would you increase the franchise ?

A.—No.

Q.—You think it is ample for the present ?

A.—Yes.

Q.—Would you decrease it ?

A.—It is much too late to change it now.

Q.—In paragraph 15 you say that the only way to restore confidence is to take a bold and courageous step and give provincial autonomy at once ? That is your view ?

A.—Yes.

Q.—Then you go on to say that you consider it much better to take the step at once while trained and experienced servants in the service are still with us. Do you suggest to this committee that a time is coming in Bombay when there will not be experienced and trained civil servants ?

A.—I do not say that. You will have a lesser number. You have Indianisation of the services now beginning. Some years hence you could not have the present old and experienced civil servants.

Q.—Do you visualise a state of affairs in Bombay when the services will not be as efficient as they are now ?

A.—I have said that you must expect for some period a certain lowering of efficiency. You have got to go through that stage.

Q.—You do not hold the view that because you consider Bombay is ripe for self-government that it should necessarily apply at all to all provinces at the same time ?

A.—I do not say that. It must depend on the conditions in the various provinces.

Q.—And if in some provinces or in any province dyarchy has worked satisfactorily you see no reason why it should not go on for ten years ?

A.—I do not think in any province it has worked satisfactorily.

Q.—We were told that dyarchy has worked in one province in an admirable fashion with a unitary method of government ?

A.—In what province ?

Q.—In the Punjab ?

A.—I cannot speak with any experience of the Punjab.

Q.—You speak for Bombay and you would not have any objection to any province going on as it is ?

A.—No. I advocate provincial autonomy for all the major provinces at once.

Q.—You do ?

A.—Yes.

Q.—Irrespective of the fact that you have no knowledge of the inside working of other provinces ?

A.—I do speak for Bombay and say that it must have provincial autonomy but I do also say that the major provinces should also have provincial autonomy unless for special reasons, the onus of proving which should be on the other side, it is decided that any particular province is not ready for it.

Q.—There is only one other question I want to ask you and that is ; have you supplied a copy of your memorandum to the Government of Bombay ?

A.—No.

Q.—Is there any reason why you did not ?

A.—I may be wrong but I did not conceive it was necessary to do so.

Q.—I am not criticising you in any way. I am only trying to find out your reasons ?

A.—I sent it to the Committee with a covering letter which explains my position and I left it to Government and the Committee to decide.

Q.—Most of the memoranda have not been given to anybody else before they came to the Committee, I mean nobody outside the Committee ?

A.—The memorandum in this instance has not been given to anybody, except, as I said, last evening, I gave it to Mr. Roy of the Associated Press at his request on the distinct understanding that if the Committee on my covering letter came to any particular decision that decision must be respected and that the memorandum should not go out till the decision was arrived at and Mr. Roy assured me personally before I gave it to him that any decision that the Committee came to would be respected and no publicity would be given till then.

Q.—With your experience as a man of the world should you not have known that when the press gets hold of any information they are likely to make the fullest use of it ?

A.—I do not know. I proceeded on the assurance given to me by a responsible person.

Dr. Paranjpye.—*Q.*—You appear to make out in your whole memorandum that in Bombay there was rather too much autocracy than in other provinces ?

A.—How can I speak of any other province ? I can only speak to what I saw.

Q.—In Bombay there was in fact an increase of autocracy than there used to be. Centralisation of power ?

A.—If the facts that I have described mean autocracy.

Q.—I am only talking of what has been published. Before the reforms according to the rules of executive business, there were two members for every department, one first member and one second member ?

A.—Yes.

Q.—And when a case went to the first member and his view was accepted by the second member, then that opinion went generally as the opinion of the Government ?

A.—Yes, and with regard to the departments that were under the charge of the Governor in the distribution, some other member of council used to be the second member.

Q.—So that generally every matter was seen by two members of Government in olden days ?

A.—Yes.

Q.—And under the new regulation ?

A.—After the new reforms, what happened was this. The Governor became in effect the second member with regard to every department, with regard to every member, and with regard to the departments in his charge, there was no second member at all.

(*Sir Sivaswamy Aiyer*).—*Q.*—Do you mean second in the order of circulation or importance ?

A.—The original idea was that the decision was to be reached by two.

(*Mr. Jinnah*).—*Q.*—The result was that he was first in everything ?

Q.—He was the second in all the departments and first and only first in his own department ?

A.—Yes. And I may mention that this matter was brought to his notice but he claimed that the distribution of work was in his hands.

Q.—And the Members of Council and Ministers could not say anything to him ?

A.—No. He had the power of distribution.

Q.—There used to be separate meetings of the Executive Council besides joint meetings ?

A.—Yes.

Q.—How often did these meetings take place ?

A.—I have not counted.

Q.—Were they fairly frequent ?

(*Mr. Chairman*).—*Q.*—Once a week ?

A.—I cannot say. Generally there used to be meetings once a week.

Q.—You are the Vice-Chancellor of the Bombay University ?

A.—Yes.

Q.—And you know perhaps the circumstances regarding your appointment ?

A.—Yes. My re-appointment ? I was Vice-Chancellor before I took office in Government.

Q.—The Minister in a case like that had to absolutely fight for his legitimate and legal and constitutional right. The appointment of Vice-Chancellor was not in the gift of the Chancellor himself, but of the Government, the Governor acting with the Minister ?

A.—The Act itself says that the appointment shall be made by the Governor in Council, which under the reformed government means the Governor and the Ministers.

Q.—Even in a case like that the Minister had to stand for his position ?

A.—I am not conversant with the details. But in the beginning the statute being in that form, the Bombay University Act, it was claimed

that though the Minister had charge of Education, inasmuch as the wording was the Governor in Council, it was still the Governor in Council. That was under a misapprehension with regard to the legal position. Then it was pointed out that if that was the legal position, those Acts should be altered and the words "Governor in Council" should be substituted by the words "the Governor acting with the Ministers." Then it was pointed out that the Government of India had already effected that by making some addition to the General Clauses Act.

Q.—When you say that Law and Order should be reserved in the Central Government, is it in your mind that possibly the use of the military would be required in preserving Law and Order and as military is to be in the hands of the reserved part of the Central Government, therefore it is that you want Law and Order should be reserved ?

A.—That is also one of the reasons.

Q.—That is not the only reason ?

A.—No, not the only reason.

Q.—As regards the position of the Ministers with regard to the services, do you remember a case in which the Secretary of State forced actually a certain number of recruits, although the Minister did not want them ?

A.—Yes, that is so. I believe that was in the Forest Department.

Q.—The Minister was told that the Bombay Government should accept a certain number of new recruits, although the Minister did not want these and the Minister was not therefore able to follow his own policy ?

A.—That is so.

Mr. Jinnah.—*Q.*—Sir Chimanlal, I forget to put you this question. It has been put before us that so long as communal differences existed such as there are and so long as there is a party of obstruction in the country, no advance is possible. Have you considered those two objections ?

A.—Yes, I have. To say that there should be no advance till the obstruction party or the obstruction tactics are there, is I think, a complete misreading of the situation. Obstruction has come into existence and the obstruction party has come into existence because the reforms were not properly worked and because of the reasons that I have mentioned which shook the confidence in the intention of the Government. If you do not take steps which would restore confidence you will be creating greater obstruction and a larger and larger party of obstructionists. But if you do what I suggest, then I think you will lessen the obstruction and the obstruction party will so far as I can see gradually disappear.

As regards communal differences, I do not think that is a ground for not making an advance. I think if an advance is made and if you have real responsible government in the provinces, communal differences, I think, will very much disappear. They have been recently brought into prominence by various special causes which, I think, in course of time will disappear. They are not reasons which should be against any political advance of the sort I have ventured to indicate.

The Chairman thanked the witness, who then withdrew.

The Committee then adjourned for the day.

Wednesday, the 22nd October 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—Mr. Kabir-ud-Din Ahmed, M.L.A., on behalf of the Parliamentary Muslim Party of the Legislative Assembly.

EXAMINED BY THE CHAIRMAN.

Q.—You wish to give evidence on behalf of a number of Members of the Imperial Legislature ? Are they all members of the Assembly ?

A.—They are all members of the Assembly.

Q.—18 Muhammadan Members of the Indian Legislative Assembly.

A.—Eighteen. There are many more members, but all of them were not present on the closing day of the Assembly on the 23rd of September.

Q.—You yourself are a member of the Legislative Assembly ?

A.—I am a member of the Legislative Assembly.

Q.—You were a member of the last Assembly ?

A.—Yes from 1921-23 and I was in the Bengal Council also, before I came here in 1921.

Q.—I take it you are one of the leaders of the Muhammadans in the Assembly ?

A.—My modesty prevents my saying so.

Q.—You are not a leader ?

A.—I do not say so, but while I am giving evidence, I may say that I am interested with my party and my people sent me as their representative. So I am a leader.

Q.—Nawab Sahibzada Abdul Quaiyum was also coming to see us ?

A.—Yes he was coming to give evidence and he took a leading part in this matter, but was unable to come.

Q.—You are from Bengal and he is from the North-West Frontier Province ?

A.—Yes.

Q.—And the other gentlemen are from other parts of the country ?

A.—Yes, they are from Cape Comorin to Mount Everest and from Chittagong to the Port of Bombay—whole of British India.

Q.—Will you look at paragraph 1 of your memorandum. You mention the "Parliamentry Muslim Party." Why do you say the Parliamentry Muslim-Party ? Are the other Muslims in the Assembly not Parliamentary ?

A.—We have formed a party.

Q.—Under that name ?

A.—Yes.

Q.—You are in favour of gradual development of provincial autonomy ? Am I to understand that you mean you would go by steps ?

A.—That is advisable.

Q.—You are not prepared to recommend the immediate grant of provincial autonomy ?

A.—Not immediately.

Q.—You are in favour, I take it, of separate communal electorates for Muhammadans ?

A.—Oh yes Sir.

Q.—You consider it is not possible under the present constitution to dispense with them ?

A.—Yes. It has been admitted by the people of our country, first by the Swarajists, then by the Independents and the Nationalists, who are the representatives of the people of this country ; all of them have accepted that there should be separate communal representation for the Muhammadans.

Q.—What you would put forward is that there is a strong feeling amongst those who take part in politics that in the present state of development communal electorates are necessary ?

A.—I should particularly like to say when this Committee started last August, some of the witnesses in the beginning made a hopeless mistake by going against our separate electorate. The Nationalist Party and the Independents and the Swarajists all of them in one voice accepted that there should be communal representation and separate electorates.

Q.—You are not answering my question. What I am asking you is personally do you consider that in the present state of the country communal representation is necessary ?

A.—It is indispensable for the peace of the country.

Q.—Holding that view do you consider the time will come when it will be possible to dispense with it ?

A.—It may.

Q.—Do you consider it will be an advance when you can dispense with it ?

A.—Not at this stage.

Q.—You say it is not possible in present politics, but do you yourself consider it will be a step forward in political progress in this country when it is possible to dispense with communal representation ?

A.—Some years to come yet.

Q.—You are not hopeful ?

A.—No.

Q.—Then you attach considerable importance in your memorandum, although it is not really part of our enquiry, to the provision of special arrangements in regard to the public services, to provide for representation ?

A.—There should be statutory provisions fixing the ratio of our percentage.

Q.—Why do you take that view ?

A.—It is not only my view ; I shall explain the whole thing.

Q.—I do not want the whole thing. What I want to get from you is this. Your object, and your very natural object in making this proposal is to see that in the future administrative services in India your own community is represented. Is that your own point of view ?

A.—Yes. It has been the view of the Government of India and it has been the view of the members who gave evidence in 1917 when the Secretary of State with his Committee examined a number of witnesses. And in 1922 in the Assembly here, when your predecessor Sir William Vincent was speaking for the Government as Home Member, he said on the 13th September 1922, on a motion for a change of rules " I have every sympathy for my Honourable friend Mr. Kabir-ud-din Ahmed that they should at least have 50 per cent. representation," and there was a note of dissent of his appended to the report when it was submitted to the Secretary of State by the Government of India that we were entitled to more than 40 per cent. otherwise great injustice would be done to us.

Q.—Yes but you are going rather too far back. What I was asking you was whether, so far as this Reforms Committee is concerned, you think that with an advance towards popular control it becomes more necessary to have separate representation of your community in the services. Is that right ?

A.—That is so.

Q.—You are not in favour of the Governor selecting the Chief Minister ?

A.—I am not in favour of selecting the Chief Minister at all, Sir, in this country. We have said that in our written statement.

Q.—Why do you think that ?

A.—Because if the Chief Minister is to be nominated by the Governor and it is the Chief Minister's duty to select his two other colleagues, if he is a Muhammadan probably he will not like Hindus or take that kind of Hindu who will not quite agree with Muhammadan views. There will then be a clash. This is not a homogeneous country, Sir.

Q.—Your trouble is this. You think that even in the case of Ministers the communal distinctions that exist in regard to the electorate would also make themselves felt. You feel that if you had a Chief Minister the same communal difficulty would arise which would arise in connection with the electorate ?

A.—Most certainly.

Q.—You would not for example like a Muhammadan Minister to choose two or three Muhammadans. You would not like a Hindu Minister to choose three Hindus ?

A.—Quite so ?

Q.—And you think the Governor is more in a position to select the Ministers having regard to the fact that he will be uninfluenced by these considerations. Is that your point ?

A.—That is so.

Q.—Now turning to the Central Government you wish to introduce responsibility into the Central Government. Do you wish to introduce it at once ?

A.—No.

Q.—You think that should be gradual too ?

A.—Yes.

Q.—And one of the conditions precedent is a statutory provision that at least one-third of the Ministry shall be Muhammadan ?

A.—Where, here ?

Q.—Yes. You do not contemplate that at present ?

A.—No, I do want at least one-third in statutory Provision. I have said so in my written statement that at least one-third you will come to in a statutory form.

Q.—You do not contemplate any advance in the Central Government for the present ?

A.—Not for the present.

Q.—Then I take it that your provisions about the three-fourths majority and religious liberty are taken from the Lucknow Pact ?

A.—I don't know quite whether it was in the Lucknow Pact.

(*Sir Muhammad Shafi*).—Yes.

A.—If that is so, the majority of the members of our party must have drafted it.

Q.—You consider that essential. For example, if a Bill was brought in regarding Christian marriage in the Assembly, would you require a three-fourths majority of the Christians present at the meeting to pass the Bill ?

A.—Certainly.

Q.—Then you would apply that to the Sikhs also ? You would apply it to every community—Sikhs, Hindus, everybody ?

A.—Quite so.

Q.—Then you would practically have a Council for the consideration of those measures which would be a council within a council ?

A.—There will be an imminent danger we can contemplate from now. Communal dissensions are going on everywhere, Hindus fighting Muhammadans at this moment.

Q.—Well it has been put to us—you don't think that these special communal reservations are in themselves exacerbating Hindu-Muhammadan tension ?

A.—Oh ! no.

Q.—You think that so far from exacerbating them they will mitigate it ?

A.—If there is a statutory recognition of them there will be a mitigation of everything and people will come to terms and be more friendly. That has exactly happened in Bengal where everyone wanted to be Minister. I have seen, Sir, after going down from here when I finished the session of the Assembly—I enquired and came to know that each and every one of these fellows among the so-called Moderates or Liberals who posed themselves to be friendly towards the Government voted against the Ministers' salaries because all of them tried to approach the Government.....

Q.—We are not now discussing the situation in Bengal. We have had the Bengal Ministers before us and we will have some further evidence on that point later. Now you consider that one of the circumstances which must accompany further advance is Indianisation of the

Army. May I put it to you that your view is this—that you consider that this is a problem that must be solved simultaneously with the constitutional problem ?

A.—Quite so.

Q.—That is, the Indianisation of the Army must advance with constitutional progress ? The two hang together. Is that your view ?

A.—Quite so. Yes.

Q.—I do not quite understand paragraph III of your memorandum. That refers to the protection of Muhammadan elections from the interference of other communities. How do they interfere ?

A.—What they do is this. A number of tactful non-Muhammadans confer with figure-heads among the Muhammadans who are really in their clutches and these people pose as Muhammadans working along with the pro-Hindu party whose sinister motive is to do mischief to our communal representation.

Q.—But it seems rather a difficult proposition to say that you should exclude any influence—that I take it is what your paragraph refers to—any influence on an electorate of educated people. I mean, wouldn't you allow a Hindu to speak at a meeting for a Muhammadan candidate ?

A.—No, Sir. This is a special communal representation given to the Muhammadans with some object in view.....

Q.—Let me put it to you in this way. Supposing I am a Hindu and I have a great dislike to the trade in liquor, which I understand is a matter with which most Muhammadans would be sympathetic. Now you are standing for the Prohibition party.

A.—Muhammadans would welcome speakers like you, Sir.

Q.—I am a Hindu and very keen on the prevention of the liquor trade. There is a Muhammadan election going on in which there are two candidates, one a gentleman who is very pro-Prohibition, very much in favour of stopping the trade in liquor. The other gentleman is not so warm. I am a Hindu and I desire to speak at one of these meetings. Would you prevent that ?

A.—Oh ! no.

(*Sir Muhammad Shafi*).—By interference you mean interference such as is said to have taken place in Bengal through corruption and bribery ?

A.—Exactly.

Q.—You mean improper interference. Since you have raised the question of bribery—or rather my honourable colleague has—would you tell us whether in your opinion any legislation to deal with this is necessary ?

A.—It is absolutely necessary.

Q.—Would you make bribery of a member a criminal offence ?

A.—Certainly. Furthermore in every election there are you must remember candidates who are returned or not returned but who have to submit accounts for the money that has been spent either by the candidate himself or for his election by the party who supported him. The Swarajists have been paying Rs. 500 deposit at the time of nomination for any candidate who would stand for election for Legislative Assembly and sign their creed.

Q.—Would you prevent that ?

A.—Sir, the object of payment certainly goes against the communal representation of the Muhammadans, for a Muhammadan candidate is paid for and held in that way with some distinct understanding and a sinister motive.

Q.—Let us look at the thing from the broad point of view. Would you prevent a party organisation from running a candidate ?

A.—No Sir, not as a rule.

Q.—You are aware that in England candidates are put forward and their expenses paid by the Party. With certain parties, at any rate, that is the only way it can be done. Would you prevent that ?

A.—No.

Q.—Would you prevent Hindus paying the election expenses of a Muhammadan ?

A.—Yes.

Q.—Would you prevent Muhammadans paying the expenses of a Hindu ?

A.—Yes.

Q.—You are not so warm about that ?

A.—Quite as warm. It is not proper that Muhammadans supporting a Hindu candidate should pay the election expenses. I would also like at this point to say that those schedules that are given under the rules of election have got to be altered like this—that, as I have said in my written statement, if the election expenses are paid by a pro-Hindu or a mixed Hindu-Muhammadan party that should not be allowed. It will be illegal.

Q.—Talking of that, I think under the existing rules there is no maximum amount fixed. Would you think it desirable to have that prescribed ?

A.—I would.

Q.—I may say that the reason the Government of India did not prescribe a maximum was that they had not had sufficient experience.

A.—They said so in the report itself—that it is an experiment in India and that gradually the time will come when we shall have to fix a maximum.

Q.—How many elections have you fought ?

A.—I have fought since 1909 under the Morley-Minto reforms ; then in 1912, 1916, and after 1923.

Q.—What did it cost you generally ?

A.—It cost for the provinces Rs. 500 to Rs. 1,000.

Q.—Not more ?

A.—No.

Q.—And in the Imperial Council more ?

A.—A little more because the constituency is scattered.

(*Dr. Paranjpye*).—Were you opposed ? Had you to fight an election ?

A.—I was. In this present election I was going uncontested but the leader of the Swarajists had sent for me just as the Commissioner of Police in Calcutta does, when a man has committed an offence, and he wrote to me a letter through a third party asking me to go to their office and meet him there at some fixed hour.

Q.—Was your election contested ?

A.—It was going to be uncontested but at the eleventh hour a Muhammadan was brought from a different division beyond my constituency because none of them from my constituency amongst the electors disliked me or that they would stand to fight against me as they knew that there was no chance for any one ; with this result that on the last day when we went before the Commissioner who was the Returning Officer and before whom the nomination paper had to be filed, the candidate who was sent by the leader of the party called Swarajists asked me first if I would sign one of their printed creeds he would go back to Calcutta and I would be returned to the Assembly two days after, uncontested. I threw out a challenge that I would rather spend the money in election than sign their lengthy unreasonable creed which was against my religion and against my community's interest.

Q.—Did you have a contest or not ?

A.—I had finally, Sir, a contest because the Swarajist candidate thereupon went round and filed his nomination ; and Rs. 500 was deposited which was given by Mr. C. R. Das, as the candidate himself had told me.

Q.—Then your complaint is that in this case you were opposed in a Muhammadan constituency at the instigation of the Hindus ?

A.—Yes. [Obviously and that with the desire that if any new ordinary man was returned, I would not have been in a position to do better service to my community and look after it properly. They wanted to ridicule our community by returning undesirable person.—*Note* :—Subsequently added by the witness.]

Sir Muhammad Shafi.—*Q.*—Mr. Kabirud-Din Ahmed, in paragraph 2 of head I, you deal with the question of the Muslim share in the administration of the country. I presume what you had in mind is that real power as well as the welfare and happiness of the people really lie in the hands of the administration ?

A.—Quite so.

Q.—And therefore the Muhammadans legitimately desire to have their due share in the administration ?

A.—Yes, they are entitled to it.

Q.—Your case is, I presume, that in so far as the requirements of efficiency are concerned, whatever qualifications may be necessary for a particular service may be laid down, and from among the candidates who fulfil those requirements and satisfy those qualifications the best Hindus and the best Muhammadans should be selected in equitable proportions, so that the Muhammadans should have their due share in the administration ?

A.—Exactly.

Q.—That is your case ?

A.—Yes.

Q.—In paragraph 3 of this head you say " The committee would like to make it clear that they would prefer to see the power of appointing Minister remain entirely in the hands of the Governor ". You have already explained the reason of that in reply to the Chairman's question. I want to ask you one thing. Are you aware that in Madras Lord Wellingdon did adopt the procedure of appointing a Chief Minister who selected his colleagues from the Legislative Council ?

A.—I have said that in my written statement.

Q.—There has been the first election and there has been the second election; has a single Muhammadan been appointed as Minister by the Chief Minister in Madras ?

A.—No, not a single Muhammadan.

Q.—At page 2 of your memorandum you say that at least one-third of the Ministers should be Mussalmans ; that is, when in the central government a stage is reached justifying the appointment of Ministers, you require that one-third of the Ministers shall be Mussalmans ?

A.—That is a very modest demand, of at least one-third, Sir.

Q.—How many Indian Members of the Executive Council are there at present ?

A.—Three.

Q.—And how many out of these are Muhammadans ?

A.—Only one.

Q.—That is one-third ?

A.—Yes.

Q.—And that is what you want ?

A.—I want it in the form of a statutory provision of at least one-third so that there may be no trouble; because some newspapers and all these supposed friends of ours amongst the Hindus write anything and everything against us and the best of our Muhammadan candidates will look blackguards in their jaundiced eyes.

Q.—Just carefully consider my point and then reply. Your demand is that 1-3rd of the Ministers should be Muhammadans ?

A.—Yes, at least 1-3rd.

Q.—Even now 1-3rd of the Indian Members of the Executive Council are Muhammadans, so that you are not putting forward a demand which is practically not already in force here in the Government of India ?

A.—It comes to that, Sir, yes; but I want some statutory provision for this and for the public services in the administration; that is the idea.

Q.—In paragraph 2 on that page you say " No bills affecting exclusively any community shall be placed on the statute book unless 3-4th of the members of that community present assent to that view." I presume that the Bills you have in mind here are Bills, as you say, exclusively concerning a community ; and what you say is this, that when a Bill exclusively concerns one community and has nothing to do with other communities it is but right that 3-4th of the members of that community should agree to the Bill before it became law ?

A.—Yes, quite so.

Q.—In the last paragraph with reference to which the Chairman put to you certain questions, I want one point to be made absolutely clear. When you talk of non-interference in Muslim elections by members of other communities, you mean that you would exclude improper interference ?

A.—Quite so.

Q.—Ordinary legitimate interference you do not object to ?

A.—No.

Sir Arthur Froom.—*Q.*—Mr. Kabir-ud-Din Ahmed, in the beginning of your memorandum you state that you are in favour of gradual development towards the grant of full provincial autonomy ?

A.—Yes.

Q.—By gradual development, do you agree with the present system of government which we call dyarchy ?

A.—Well, it is not a complete perfection; while granting it it was written in the report that it was not permanent and that it would gradually disappear and real responsible government will start.

Q.—I suppose it is rather difficult to get a perfect government under any system; as a temporary measure this present system of government was instituted only as a transition stage ; do you approve of it as a transition stage ?

A.—Yes, I do.

Q.—Are you satisfied with the present constitution of the Legislative Assembly ? Are you satisfied that the Legislative Assembly in its first sessions and in its present constitution has done useful work ?

A.—It is something like a boat floating in the deep sea.

Q.—It has not sunk altogether ?

A.—It may be.

Q.—I think you told the Chairman that you consider that as the advance towards self-government went on there will be more and more necessity for strict communal representation; that it would still be very necessary ?

A.—It might be or it might not be; but at present it is absolutely necessary; that is what I said to the Chairman.

Q.—You told the Chairman that at present it is necessary and I think you also told the Chairman that as the advance towards self-government went on, still in your opinion it would be necessary to have communal representation ?

A.—It might be, Sir.

Q.—Of course you might reach a stage where it will not be necessary; but in the meantime it would be necessary ?

A.—Quite so.

Q.—And what is your reason for that ?

A.—There are dissensions and differences all over the country. We see there have been great disorders at Lucknow, on the Frontier at Kohat and at Allahabad just in front of the temple of justice of our friend, Sir Tej Bahadur Sapru; then, Sir, on the Unity Day we were celebrating it at Kankinara where 15,000 Muhammadan mill-hands and about 12,000 Hindu mill-hands were fighting and I had the District Magistrate in my car with the Superintendent of Police and the Assistant Superintendent of Police; and with five hundred armed police, the immersion ceremony took place on the 8th of this month, instead of on the 7th.

Q.—Those are very regrettable instances, are they not ?

A.—And there are many others.

(*Mr. Jinnah*).—Q.—You think separate electorates are the remedy for that ?

A.—If there is a settlement of these disputes, I suppose there will be a little peace.

(*Sir Muhammad Shafi*).—*Q.*—In a mixed electorate where there is a rival Hindu candidate and a rival Muhammadan candidate, in the existing conditions which obtain in the country do you not think there is a possibility of Hindus and Muhammadans coming to a clash ?

A.—All the representatives of the landholders,—my friend the Maharajadhiraj, coming from Bengal will be able to say—all the five members of the land-holders of Bengal from 1909 till now are Hindus—I throw challenge, if anybody will dispute that.

(*Sir Muhammad Shafi*).—*Q.*—You have not understood my question; therefore you have not replied to it. Mr. Jinnah asked you if separate electorates were a remedy for the picture that you have drawn just now. My question was, supposing there were mixed electorates, that is to say, your separate Muslim electorates were abolished to-day and the electorates were mixed.....

A.—There will be more deaths.

(*Sir Muhammad Shafi*).—*Q.*—Just one minute ; if in a constituency a Muhammadan candidate stood against a Hindu candidate, in the existing conditions as they now obtain in the country, in view of what you have told us about Calcutta, Allahabad, Saharanpur, Kohat and so on, is there any possibility of Hindu supporters of the Hindu candidate and Muhammadan supporters of the Muhammadan candidate coming to a clash ?

A.—Yes.

Q.—If you have a seat reserved for Muhammadans, do you object to the electorate being mixed ?

A.—No, I don't understand you quite, Sir.

Q.—Would you object to the electorate being a mixed one ?

A.—Yes, I do, because the non-Muhammadans will thwart our interest.

Q.—I will put the question in a simpler form; supposing you have a seat reserved for a Muhammadan, would you object to its being in a mixed constituency of Hindus and Muhammadans to vote for the Muhammadan seat ?

A.—There will be great injustice done to us ; look at the picture of the Calcutta Municipality.....

(*Mr. Chairman*).—I think, Sir Arthur, the witness has fully grasped your question.

A.—The picture that I want to depict is that there are amongst the landlords or Zamindars five seats from 5 Divisions in Bengal Province and none of them are Muhammadans since 1909 and here in the Assembly all the Landholders' Members from each Province are Hindus always.

(*Mr. Chairman*).—*Q.*—Your point is that in mixed constituency a Muhammadan would have no chance ?

(*Mr. Jinnah*).—Sir Arthur Froom put to you, that supposing there is a mixed electorate with a proviso for reservation of seats, then what do you say to that ?

A.—He did not say that; I shall answer that also.

(*Mr. Chairman*).—I am sorry ; Sir Arthur Froom, would you put that question again ?

Q.—I am talking of a seat that is reserved for Muhammadans. Suppose two or three Muhammadans contest this one seat—you cannot have a Hindu contesting it bacause it is a Muhammadan seat—would you agree that the electorate who have got to decide which out of these 3 Muhammadans should be elected, might be a mixed electorate of Hindus and Muhammadans ?

A.—No; it should be entirely Muhammadan; because you see in the Municipal election....

Q.—Never mind the municipal elections; you want it to be all Muhammadan ?

A.—Yes, Sir; but it will be a great injustice to me if I am not allowed to answer fully. About the question that was put to me by Mr. Jinnah that, if a number of seats are fixed.

(*Mr. Jinnah*).—I did not put any question.

(*Sir Muhammad Shafi*).—Let him go on.

A.—You see, Sir, the Chairman of the District Board, Rajshahi, in Bengal, an M. L. C. said in the Bengal Council, that a cartman a Muhammadan driver of bullock cart who was illiterate and a man having no status in society, was supported by the voters of the mixed Hindus and Muhammadans in the Municipal election when there were pleaders and retired Deputy Magistrates and zamindars among them (Muhammadans).

(*Mr. Chairman*).—You think the cartman was not as good a representative ?

A.—Well, that is the result of so-called mixed electorates.

(*Sir Muhammad Shafi*).—You mean that as a result of such mixed electorates the man who is the real representative of the Muhammadan community and who is looked upon by the majority of the Muhammadans as their representative would be ousted and would not really represent the Muhammadan community ?

A.—Exactly what they have, Sir. The Swaraj Party has brought in any man from the street to sign their creed, they have paid Rs. 250 and Rs. 500 as deposit for their nomination and all expenses found or otherwise everything given to them, and brought them in over as heads of the true representatives of the community.

Q.—Is this practice that you are referring to peculiar to Bengal ?

A.—No, it goes on everywhere.

Q.—Now, Mr. Kabir-ud-Din Ahmed, with further advance towards self-government in India in the provinces do you foresee that parties will be established ?

(*Mr. Chairman*).—As separate from communities—is that your point ?

Sir Arthur Froom.—Yes, as separate from communities. Do you foresee that those parties will be run on communal lines ?—is that your fear ?

A.—If you will explain your question to me, I may be able to answer.

Sir Arthur Froom.—I want to ask the witness, Sir, whether, when party government is established, he fears that parties will be run on communal lines.

(*Mr. Chairman*).—I think the question is this. With the development of representative government in the Local Councils, do you apprehend or

do you look forward to a time when the present communal differences about which you have told us so much will be replaced by parties on party lines—not based on religious or communal differences ?

A.—If the minds of the people are transpired and they improve themselves, I suppose it might, Sir. But with members of the party who cook their own food, despise a non-communal man of his class to mix and not shake hands or to get his shade, I suppose there is no chance for India.

Q.—And you don't think the minds of people will be transpired immediately ?

A.—It will take some time. It will take some years. My examples are all round the country here.

Q.—There is one more question I want to ask you. You said that the control of the Army for obvious reasons must remain in British hands.

A.—Without British hands there is no salvation for India. If the British retire for four days I suppose half the people will be shot and killed.

Q.—But still you wish the Indianisation of the Army to go on ?

A.—Gradually as I have said. See the language I have used.

Q.—You say " speeded up ".

A.—Yes, speeded up with the times.

Q.—You don't want it speeded up at the expense of efficiency ? You don't want a man to be a Colonel when he only ought to be subaltern ?

A.—Oh no.

(*Sir Muhammad Shafi*).—*Q.*—By speeded up you mean at a more rapid pace than is the case at present ?

A.—Yes, Sir. When I inspected the Royal Indian Military College at Dehra Dun a fortnight or 3 weeks ago I found only a few Indian students there. I want that the number should be increased. There is a lot of vacant or fallow land which can be acquired at a small cost and some improvement might be effected to the Dehra Dun Military College at once.

Q.—Well, when in the course of time, the Indianisation of the Army in India is complete and you have Indian officers, do you still hold the view that it should remain under the control of the British ?

A.—When will that stage be, Sir ? If you will tell me the period within which you want that there will be people available for the department among the Indians to do that work, then I might answer.

Q.—You don't visualise it at present ?—that there will be people in the department capable of running it ?

A.—Not at present.

Sir Sivaswamy Aiyer.—*Q.*—Mr. Kabir-ud-Din Ahmed, you say in the last paragraph but one of your memorandum that the present position in the Government of India where an irremovable executive stands confronted with a Legislative House, the majority of which is hostile, is intolerable.

A.—Yes, because I have been telling you the percentage.

Q.—I am merely drawing your attention to that passage, where you say that the present position is intolerable. Would you allow the present position to continue as it is or would you do anything to remedy it ? I am not questioning your statement of fact. What I want to know it, having regard

to that statement of yours would you allow the present position to continue as it is or would you do anything to remedy the present position ?

A.—Sir, at present, for instance, you have not given the due share of representation of the Muhammadans in the Central Government....

Q.—You are not pointing that out in that paragraph ; that is in an earlier paragraph. You are talking in this penultimate paragraph of yours about the present position where an irremovable executive stands confronted with a Legislative House and so on.

A.—Have you read the next line, Sir ? My answer is given there. Both the question and the answer are there, Sir, if you read it.

Q.—Take the two sentences together—the sentence which I read and the next sentence. " It is unfair to the Executive itself, and unless the position is improved, is bound to lead to a series of continued deadlocks." Now, what I want to know is whether you would leave the present position as it is or would improve it.

(*Mr. Chairman*).—This is his point, I think—unless I have misapprehended it—that, as the majority is hostile, he would remedy that by enlarging the Muhammadan representation.

A.—Yes, because we have very few, Sir. Our due share is not given. As for instance, in Bengal, where there are 38 per cent. Hindus there are 8 members in the Assembly here and we are 56 per cent. of the Muhammadan population of Bengal have 6 Members only. Is there any justice in this ?

(*Sir Muhammad Shafi*).—Mr. Kabir-ud-Din Ahmed, with reference to this question that has been put to you by Sir Sivaswami, may I invite your attention to what your party has said in an earlier portion of this very paragraph, at the bottom of page 1 :—

> " With the exception of the defence of India in all matters connected with His Majesty's Naval, Military and Air Forces in India, His Majesty's Indian Marine Service, foreign or political relation including relations with the Indian States, all other subjects should be entrusted to the control of Ministers responsible to the Legislative Assembly. At least one-third of the Ministers shall be Mussalmans."

Is not that the solution which your party has suggested with regard to the existing position of the deadlock between the irremovable executive and the elected majority—is that the solution that your party has suggested ?

A.—Yes.

Q.—There have been so many interlocutors that I fail to understand where we are. I have drawn your attention to these two sentences—I have read them out. You first of all suggested that the remedy might be an increase in the number of Muhammadans. That was suggested to you. Another suggestion made to you is that the solution is the entrustment of a number of departments in the Central Government to Mussulman Ministers. That was a suggestion put to you by Sir Muhammad Shafi.

(*Sir Muhammad Shafi*).—It is already there. I did not put it to him.

A.—That is my answer to this.

Q.—Now, what I want to know is this, when you are talking of the present intolerable position and you suggest apparently that the position

requires improvement, what is it exactly that you are thinking of ? I want it from your own mouth, what is the improvement that you are thinking of to ease the present situation ?

A.—The answer is given there, Sir. Read the next line.

Q.—What is the answer ? You see, Mr. Kabir-ud-Din Ahmed, when you say it is unfair to the executive, it is merely a description of the present situation. It is not a question of remedy. You are describing the present situation,—that it is full of deadlocks. What should be done to avoid deadlocks ?

A.—I think it is quite clear, Sir, if you will kindly read it. You are begging an answer in which I cannot help you. Why don't you put in my mouth what you want and I shall deny it.

(*Mr. Chairman*).—What is your question, Sir Sivaswami ?

Q.—You see, Sir, he says the present situation is intolerable and he says unless it is improved it may lead to continued deadlocks. Now, what I want to know from him is what is the improvement that he wishes to suggest.

(*Mr. Chairman*).—I understood him to answer that question by saying that a larger representation of Muhammadans was one of the solutions.

Q.—Then it was suggested to him the solution might be that referred to at the bottom of page 1 and at the top of page 2. Which does he consider to be the solution ?

(*Mr. Chairman*).—It may be both.

Q.—Or neither.

(*Mr. Chairman*).—Do you suggest that the advance that you contemplate in future in the way you stated in paragraph 1 coupled with further Muhammadan representation would effect an improvement ? Is that your point ?

A.—Quite so, Sir.

Q.—I must confess I don't quite understand.

(*Mr. Chairman*).—Well, if I may interpret it. He said (1) larger Muhammadan representation, and (2) coupled with an advance on the lines suggested, will remedy the intolerable position. Whether that answer satisfies you, I cannot say. That is the answer he gave. I don't know if that is the answer you wish to elicit.

Q.—No, Sir, I don't wish to elicit any particular answer. I merely wish to elicit exactly the solution he wants. If you say the witness means to suggest both.

(*Mr. Chairman*).—Well, you do mean to suggest both, do you, Mr. Kabir-ud-Din Ahmed ?

A.—Yes, Sir.

Q.—Then, as regards this transfer of a number of subjects to the Legislative Assembly in the Central Legislature, when do you want that to be carried out ?

Q.—You say at the top of page 2 that all subjects except certain subjects should be transferred to the control of Ministers responsible to the Legislative Assembly ?

A.—There is a long time yet to come for that. If you will kindly read the whole paragraph, the answer to your questions are all there.

Q.—You say it will take a long time ?

A.—Everything is there if you will kindly read it from beginning to end of the paragraph.

(*Mr. Chairman*).—What is your question, Sir Sivaswami ?

Q.—With regard to the second solution about the transfer of certain departments, I want to ask when that should be carried out ?

A.—You will find it there. I say " as self-government develops." If you will kindly intelligently read it you will find everything there.

Q.—If you say it will take a long time, you will not do anything now ?

A.—I say " as self-government develops."

Q.—I am simply leading on to the next question ?

A.—It is not an intelligent question. I will refuse to answer any questions which are not intelligent. If you want to state the time in years, I can answer. There is no room to put any further questions on the point, it seems.

Q.—You say that as self-government develops in the provinces you will transfer more subjects. That is the qualification you have introduced ?

A.—You must go and put things in order in the provinces and then you can touch the Central Government. That is the answer. You have not got any Ministers among the Muhammadans in your province for the last 4 years. You have got this beautiful statement of Lord Willingdon. You go and work up there first and then ask me about the Central Government and then I shall be fair and reasonable to you.

Q.—As a result of what you have stated at the bottom of page 1 and the top of page 2, I take it that you do not think any such transfer can be made ?

A.—I have said so.

Q.—Therefore though the present situation is according to you intolerable you will not do anything to remedy it ?

A.—Can the people in one moment change their ideas, change their so-called orthodoxy, change their mind and come to a definite point with clean hands ? Is it possible in the twinkling of an eye ? It will take some time.

Q.—I simply wanted to know your view ?

A.—A child can answer that. It will take time. People try to learn by going to England where the government and the people are advanced and then say that everything can be changed in the twinkling of an eye and think it is possible to obtain Home Rule or swaraj.

Q.—I only wish to know your views. You said that in Madras there is no Muhammadan Minister ?

A.—The Madras people are wanting in social education. Their passing certain examinations merely does not make very meritorious people. Social education is essentially required.

Q.—Are you aware that we have a Muhammadan gentleman as a member of the Executive Council ?

**A.*—That is not the point. Everybody knows. Do you think I do not ? Please stick to the self-governing transferred department and do not labour under misapprehensions. I am afraid I cannot answer * *

* * * * * * *

*FOOT-NOTE.—The words were deleted by order of the Committee as they were of an insulting character.

(*Dr. Paranjpye*).—Is the witness entitled to give answers of this kind ?

(*Mr. Chairman*).—Mr. Kabirud-Din Ahmed, you must answer the questions put to you. What is your question, Sir Sivaswami ?

Q.—In Madras there are two Indian members of the Executive Council and there are three Ministers and out of the five Indian gentlemen who are members of the Government one gentleman is a Muhammadan.....

A.—This is not about your dyarchy that you have been contemplating. He is a Government servant. If the Government choose to take a Muhammadan they can do so. You yourself were there [and your friends. After some of you a Muhammadan was taken by the Government on a different score on the other branch altogether. *Note* :—Subsequently added by the witness.]

Q.—I have a better opinion of the member of the Executive Council than you have. Are you in favour of an approach between the Hindu and the Muhammadan communities ?

A.—You had better ask Pandit Madan Mohan Malaviya.

Q.—Are you in favour of promoting unity between the two communities ?

A.—That is one of the objects of my party.

Q.—Do you think that that unity will be better promoted by having representatives from gentlemen who do not hold extreme views on either side ?

A.—They have already done so, led by Mr. Jinnah. It was he who was the President of the Independent party and it is he who negotiated the matter with the Swarajists. The Muhammadans are always ready and willing to do their part but it is the prejudice from the other side. Ask Pandit Madan Mohan Malaviya and his group and then talk with Mr. Moti Lal Nehru of the Swaraj party.

Q.—I am merely asking you whether the interests of Hindu and Muslim unity will be better served by getting together representatives who do not hold extreme views on either side ?

A.—I dare say it will. But if you get hold of some people who want to go against Muhammadans I do not think there is any chance.

Q.—Take the case of mixed electorates. Your fear is that some of the Muhammadans who may be returned may be pro-Hindu ?

A.—Certainly. We do not want that sort of help. The Muhammadans can look after themselves. [These supposed benefactors have done great mischief to our community thereby. *Note* :—Subsequently added by the witness.]

Sir Henry Moncrieff Smith.—*Q.*—There is a list of members at the end of your memorandum. May I take it that it is a complete list of the members of the Legislative Assembly in your party ?

A.—We have 24 members out of 34 or 35 members in the Legislative Assembly. All of them were not up during the last session. Some of them have written to some of us that they are ready and willing to join and act with us in the party.

Q.—This represents the opinion of about 80 per cent. of the Muhammadans in the Assembly ?

A.—Nearly all.

Mr. Jinnah.—*Q.*—Supposing you were to secure for the Muhammadans what you desire in your memorandum, separate electorates and the proportion that you want and your share in the services, would you be in favour of any advance in the Provincial Government ?

A.—I have said that in the written statement. Our position must be safeguarded.

Q.—You would be in favour of establishing responsible government in the provinces ?

A.—If possible in the near future.

Q.—Then you say that " with the exception of the defence of India in all matters connected with His Majesty's Naval, Military and Air Forces in India, His Majesty's Indian Marine Service, foreign or political relation including relations with the Indian States, all other subjects should be entrusted to the control of the Ministers responsible to the Legislative Assembly." Would you agree to that if all that you ask for is guaranteed ?

A.—If everything is good, all safe in the autonomy of the provinces and when you have gone so far as that, then I would come to the Central Government and see if possible. We welcome it by all means.

Q.—Would you like the constitution to be amended first of all with a view to secure Muhammadan rights ?

A.—I would. By changing of rules or amendment of the Act ?

Q.—You want to secure your Muhammadan interests ?

A.—Yes.

Q.—Muhammadan representation ?

A.—Yes.

Q.—Muhammadans' share in the services ?

A.—Yes.

Q.—And Muhammadan portion of representation ? You want that to be secured ?

A.—Yes.

Q.—Supposing that was secured to you, then in the Central Government you would recommend the transfer of all other subjects except those which you have excepted ?

A.—Yes, after some years.

Q.—After how many years ?

A.—That depends on how the scheme is worked in the provinces.

Q.—Your scheme would be this. You want provincial autonomy first ?

A.—Yes.

Q.—And that should be worked for some time before you touch the Central Government ?

A.—Quite so.

Q.—Not simultaneously ?

A.—No. One after the other. Otherwise that would be dangerous. It would be advisable for a child to creep first.

Q.—Would you give any period ? 3 years, 2 years ?

A.—It depends upon how you work. It depends upon the circumstances.

Q.—Then you will await the experiment of responsible government in the provinces and then you would proceed to make any change in the Central Government ?

A.—Exactly so.

(*Sir Arthur Froom*).—*Q.*—If successful ?

(*Mr. Jinnah*).—Yes, of course.

(*Sir Tej Bahadur Sapru*).—I have been asked by the press to say why I have not put any questions to the witness. I wish to make the statement publicly that I have declined to take notice of the witness because he made use of very insulting and almost abusive language towards Sir Sivaswami Aiyer. Therefore I must enter my protest.

The witness.—I have not said anything [of the kind. Nor did Sir Sivaswami himself raise the point. Protest is an afterthought on lame excuses. *Note* :—Subsequently added by the witness.]

(*Mr. Chairman*).—What were the words used ?

*(*Sir Tej Bahadur Sapru*).—Dr. Paranjpye and I listened. He said

* * * * * * *

A.—I must be heard, Sir.

(*Mr. Chairman*).—As Dr. Paranjpye and Sir Tej Bahadur Sapru say that those words were used, I must ask the witness to withdraw them at once.

A.—I am very sorry, Sir, if Dr. Sapru has understood things in quite a different way. What I have said is this, that I shall answer every relevant question, but if it is a question which has already been answered both to the Chairman and to the Vice-Chairman and other member or members, it is not necessary at all to answer the question, because the answer is given already or that in the paragraph, a line before and a line after that, it is expressly stated.

(*Mr. Chairman*).—I must make the position perfectly clear. Had heard those words, I should at once have asked the witness to withdraw. I did not hear.

(*Dr. Paranjpye*).—In fact I called your attention to it.

(*Sir Tej Bahadur Sapru*).—You were in the midst of explaining your question.

(*Mr. Chairman*).—Had I heard those words, as I said, I should have at once asked the witness to withdraw. If the witness denies that he used those words, then it is not possible for me to carry the matter further. (To the witness). You deny that you used the words ?

A.—I have not said anything that I refuse to answer.....

(*Mr. Chairman*).—Did you use the words complained of ?

A.—Not in the sense.

(*Mr. Chairman*).—If you did use the words, the direct course is to express regret and withdraw.

A.—I am always ready to express regret. But I have not used the words in that sense. If you want my conditional apology, I am always ready. But I have not meant anything in that light nor Sir Sivaswami personally was offended of my saying anything to him.

---

*See footnote on page 395.

(*Sir Tej Bahadur Sapru*).—So far as Mr. K. Ahmed is concerned, I refuse as a member of this Committee to take notice of him as a witness or the Committee of which he is the representative. We are here not to lose our self-respect.

Mr. Jinnah wanted to speak.

(*Mr. Chairman*).—I must settle this matter.

(*Mr. Jinnah*) (*to the witness*).—You did not intend

(*Mr. Chairman*).—It is a matter for me to dispose of. If you will excuse me, Mr. Jinnah, it is a matter for my disposal. I have said that I did not hear the words. If I did hear, I should have stopped the witness. If the witness did use those words, he will be wise to express his regret. I trust that he will do so.

A.—I do, if I have said that, but I have not exactly said that nor meant it.

(*Sir Tej Bahadur Sapru*).—I refuse to take notice of the witness.

(*Mr. Chairman*).—The incident will now close ; that concludes the incident.

(*Mr. Jinnah*).—*Q.*—I think I have got as far as this. We are very anxious to get your opinion and we would like to have your assistance as far as we can. This Committee wants to get the opinion of everybody and give proper weight to it. We are not here at cross purposes or for fighting. Look at your paragraph at page 2. You say : " But as the grant of responsible Government in the Provinces cannot co-exist with an irresponsible Executive in the Central Government, a change in the constitution of the Central Government in the direction of insuring responsibility is ultimately inevitable." You say that provincial responsible Governments cannot exist along with an irresponsible Government in the Central Government ?

A.—No, not quite.

Q.—That is what you say ?

A.—It is a matter of opinion. I did not mean it, nor do I think that my party meant it.

Q.—You did not mean it ? This paragraph conveys what you did not intend to convey ?

A.—No, I did not mean it, nor my party.

Q.—Then you modify your memorandum to that extent ?

A.—If necessary, I will modify it, but it seems to me that it is not our meaning.

Q.—One more question in connection with that paragraph. Kindly keep that before you. At the end of that paragraph it is stated that " the army must for obvious reasons remain in British hands, it is desirable that the process of Indianisation of the army be speeded up." Have you considered this question carefully ? The Indianisation of the Army.

A.—We had a resolution in the Assembly some time ago.

Q.—Last Assembly ?

A.—Yes, in the latter part. There was a resolution and people gave their opinion. I suppose it was discussed at great length.

Q.—I am quite aware of that. I have read the proceedings. Have you considered any definite scheme as to how the army should be composed, organised or constituted ?

A.—I will leave that to the expert. I have personally not considered that. Probably some other member would enlighten.

Q.—Supposing, as you say, a scheme was framed, what period would you give roughly ? Within what period you would expect it to be Indianised ? What is your desire ?

A.—My desire is that there should be some advancement.

Q.—Within what period ?

A.—As early as possible, if you take it, considering all the circumstances and the difficulties in its way.

Q.—So far as separate electorates are concerned, you think that at the present moment that is the best possible method to secure Muhammadan representation ? At the present moment ?

A.—Yes.

Q.—With regard to the services, you think it is possible to have any provision in the statute fixing a proportion ?

A.—It should be, because in 1917 just after the Lucknow compact the Central Muhammadan Association said in its Memorandum to the Secretary of State, that there should be 52 per cent. representation of Muhammadans. Then there was another. The Central National Muhammadan Association submitted a demand through the Government of Bengal on the Montagu-Chelmsford Reforms scheme that there should be statutory provision for fixing the ratio of representation for Muhammadans.

Q.—I am talking of the services.

A.—Services also, both services and the legislature.

Q.—You won't find anybody else ever having suggested that even with regard to the proportion in the services that should be fixed by statute. That is your view ?

A.—Our view and the view of the party and Muhammadans in general.

Q.—That is your view. I am not disputing that ; but that has never been suggested ?

A.—It has been suggested all over by the Muhammadans.

Q.—To have statutory provision ?

A.—Yes. As I said the Central National Muhammadan Association in November 1917 submitted another memorial to the Right Honourable the Secretary of State.

Q.—What is the paragraph about the services ?

A.—The representation to the Legislature and the services, they wanted 52 per cent.

Q.—Is there anything about the services ?

A.—They wanted the ratio to be fixed for the services.

Q.—Have you got that passage ?

A.—I was reading that from the memorial.

Q.—You have not got it ?

A.—No.

Q.—In your memorandum you suggest a course at page 1 so as to secure a fair share to the Mussalmans in the various services. Would that not be satisfactory ? You say this : " To avoid the overweightage of the services by members of any particular community, it will be necessary to modify the competitive test so as to provide for the selection from the

successful candidates for a due proportion of Muslims." Will that not satisfy ?

A.—That will satisfy, yes. That is only one branch of the service.

Q.—Now, Mr. Kabirud-Din Ahmed, the Hindus have never really denied that the Muhammadans should have a fair share in the services. It has always been a question of method, that is to say, by what method that end should be attained ?

A.—That is the class of educated Hindus. But there is a section of them who do not agree.

Q.—I mean the bulk ?

A.—The majority of them do.

Q.—The large body of Hindus and their representatives have never denied that the Muhammadans should have a fair share in the services. But the question in dispute has been one of method, as to by what method it should be secured ?

A.—Yes.

The Chairman thanked the witness, who afterwards withdrew.

Thursday, the 23rd October 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness :—The Hon'ble Sir Adbur Rahim, Member of the Executive Council, Bengal.

EXAMINED BY THE CHAIRMAN.

Q.—You have come up to give evidence on behalf of the Government of Bengal and also to express your own opinion ?

A.—Yes.

Q.—You are a member of the Executive Council since when ?

A.—Since the beginning of 1921.

Q.—And you are in charge of ?

A.—Judicial and Legislative.

Q.—And the other members are two Civilians ?

A.—Yes.

Q.—Sir Henry Wheeler, and Sir John Kerr ?

A.—Yes, they were members of the Council when I first joined the Government, now Sir Hugh Stephenson and Mr. Arnold and also the Maharaja of Nadia.

Q.—There are four members there ?

A.—Yes.

Q.—You have had throughout one Hindu and one Muhammadan member ?

A.—Yes.

Q.—The ministers in the first period were Sir Surendranath Banerjee, Nawab Ali Choudhury and Sir P. C. Mitter ?

A.—Yes.

Q.—In the last Government there were only two Ministers ?

A.—There were three appointed, Mr. Mullick, Mr. Fazal-ul-Haq and Mr. Ghuznavi. Mr. Mullick was not returned and so he had to go out.

Q.—Was any appointment made in his place ?

A.—No.

Q.—Can you give us any reason why it was not made ?

A.—The difficulty was as regards the Ministers' salaries and I suppose the Governor was unable to pick out a suitable Hindu gentlemen.

Q.—Am I right in thinking that the Governor offered the Ministry to Mr. Das ?

A.—Yes.

Q.—As representing the largest party in the House ?

A.—That is so.

Q.—But he does not in fact represent the largest party in the House.

A.—Among the elected members, I should think he does, barring the Europeans. If you take the Indian elected members, he does but taking the whole House he does not.

Q.—Excluding the officials still he does not ?

A.—I should doubt it.

(*Dr. Paranjpye*).—*Q.*—There is no bigger party than his in the Council ?

A.—No.

Q.—He declined to take office ?

A.—Yes.

Q.—Creating thereby a remarkable constitutional position ?

A.—Very difficult position no doubt.

Q.—You would consider, Sir Abdur Rahim, that those who drew up the constitution probably contemplated that such a position would never arise ?

A.—I should think so because I do not think there is anything in the Act or the Rules to meet a contingency like that.

Q.—It comes to this that a considerable party declined to work the constitution ?

A.—That is so. That happened in Bengal.

Q.—Do you think that it is likely to continue ? Is there any prospect of the position improving ?

A.—I do not see any very near prospect. It may. I think there is a sort of opinion growing against the Swarajists.

Q.—Against obstructive tactics ?

A.—Yes.

Q.—Is not their majority a small one ?

A.—Last time it was only 2.

Q.—And the time before ?

A.—Only one.

Q.—So if you had one more Minister, the position would have been equalised ?

A.—That is the position.

Q.—What do you consider are the causes of this extraordinary position. Apart from the Swaraj party who came in with the stated intention of obstructing the constitution, still there are a sufficient number of persons not connected with the party who could have defeated that party. The Swarajists alone would not have succeeded in refusing the salary ?

A.—No. I do not think so myself but there is a party called the Independents or Nationalists or Independent Nationalists.

Q.—What would you consider the strength of that party to be ?

A.—It is estimated at about 18 or 20.

Q.—They went over to the other side ?

A.—They went over entirely to the other side from the very beginning. The leader of the party apparently came to some sort of understanding with the Swaraj party and I think from the very beginning they acted with that party.

Q.—It has been said that one of the difficulties was that the Ministers were personally unpopular and the attack was made not altogether on the system but on the Ministers personally ?

A.—I have heard that. The difficulty in accepting that proposition is that the Ministers never had a chance. If they had done anything in the administration of their departments which went counter to the popular demand I could understand it.

Q.—What I am suggesting is that it was not a question of their administration but that they were personally unpopular ?

A.—I should hardly think so. Take Mr. Fazl-ul-Haq, one of the Ministers, for instance, I thought he had a very large number of friends in the Council and Mr. Ghuznavi especially had a very large circle of friends amongst the Hindus.

Q.—Then you would not say it was for personal reasons ?

A.—I would not say so, unless something transpired afterwards.

Q.—If you have a party which is not opposed to the constitution uniting with the party which is opposed to the constitution and the Ministers, as you say, have not been in a position to incur any unpopularity by official acts, then it is difficult to explain what happened except on the ground that there was personal feeling in the matter.

A.—As regards the Swarajists, from the very beginning they said they would obstruct the Government in order to achieve their object. The Independent Nationalists had expressed willingness to accept office. Except that difference I do not know of any declaration of their party opposed to Swarajist policy. I think they said they would not take part in obstructing the Government. But from the very beginning I found that in every measure that was put forward by the Government they acted with the Swaraj party.

Q.—Then there is really no distinction for purposes of the Ministers between the two ?

A.—I could see none, not only for the Ministers but in regard to the whole Government.

Q.—In regard to your own part of the Government too ?

A.—So far as action was concerned in the Council, I could see no difference at all, neither in speech nor in action.

Q.—Who would you consider as the leader of that party ?

A.—Mr. Chakarvarti was put forward as the leader.

Q.—It has been suggested to us in one or two of the memoranda that the constitution as it exists at present is insufficient in this respect. It enables, the Council to vote on the question whether there should be Ministers or no Ministers. It is suggested that that is certainly not the intention of Parliament. The intention of Parliament was that there should be Ministers but the choice of the Ministers should rest with the Legislative Council. Would you accept that view of the position ?

A.—I think so. That is how I understand the Government of India Act.

Q.—Would you suggest an amendment which would prevent that ? In other words would you suggest any amendment which would take away from the Council what is considered by some people to be an accident by which they are able to vote whether there should be Ministers or not and enact such a provision as would enable the Council to decide who the Ministers should be, but not whether there should be Ministers ?

A.—It is very difficult. Supposing you had some statutory provision that there shall be a minimum salary for the Ministers, when particular demands are put forward, they could throw out the demands.

Q.—Would it not be the duty of the Ministers to resign then ?

A.—Certainly under the constitution I should say it would be, Sir.

Q.—My point was this, that as long as a man is a Minister he should get a salary. It is not suggested that the Council should not have the power of dismissing the Ministers. Would you approve of that view ?

A.—Yes, certainly.

Q.—Some amendment of the Act will be necessary ?

A.—Yes. I think it would have one more effect. What I noticed in Bengal was this. The obstructionist party found it difficult to throw out the demands for the transferred departments. They found it easier to throw out the demand for Ministers' salary. If salaries are provided for the Ministers, it may be that they would not go so far as to throw out demands for transferred departments or they would not succeed in throwing out the demands for the transferred departments.

Q.—If the demands are thrown out, that re-acts on the people ?

A.—That is what happened.

Q.—That did happen in fact ?

A.—Yes.

Q.—When the effect of the vote was seen, considerable public dissatisfaction was expressed ?

A.—Yes ; that is so.

Q.—And it makes itself felt ? And indeed it changes the vote on that ?

A.—That is exactly what happened. They themselves on the second occasion restored the demand.

Q.—Simply by the pressure of public opinion ?

A.—Yes.

(Mr. Jinnah asked Mr. Chairman as to exactly what the witness stated.)

(*Mr. Chairman*).—I thought the witness understood my point. It is perfectly simple ; that the intention of the Act was to take away from the Council the decision whether there should or should not be Ministers. It was to enable the Council to say who should be Ministers, I asked the witness whether he did not consider that their intention of the framers of the Act should be given effect to.

A.—Certainly that is my opinion. It is clearly the intention. Otherwise there is no good in providing for Ministers at all.

Q.—In other words, by a fault in the Act it has become possible to attack dyarchy in a way which was not intended ?

A.—Yes.

Q.—It is common knowledge that a rule issued by the High Court had had the effect of postponing a meeting of the Bengal Council. Do you consider that the law should provide that this should not be possible or do you approve of the power of the court to interfere ?

A.—I think the Court ought not to interfere with the rulings of the President.

Q.—And you think that ought to be provided in the law ?

A.—Yes.

Q.—As a matter of fact it caused great inconvenience in Bengal ?

A.—Undoubtedly it did.

Q.—It has been said that it changed the vote. Do you think it did ?

A.—Do you mean as regards the Ministers salaries ?

Q.—Yes.

A.—No.

Q.—You have worked for a long time with the Government now ?

A.—Yes, for 4 years.

Q.—And you probably had considerable experience of the officials of the Government who had to work with you ?

A.—Certainly.

Q.—What is your view of their rule ?

A.—They were most useful and most helpful.

Q.—Have you had any friction ?

A.—There was some difference of opinion. They sometimes put up some note and I did not agree with that. But friction there was none.

Q.—Would you say on the whole that you found them loyal servants ?

A.—They were absolutely loyal.

Q.—We have had a certain amount of evidence here that the permanent staff are not as helpful as they should be.

A.—I cannot speak about other provinces. I can only speak about Bengal. I have found them absolutely loyally carrying out the orders.

Q.—You necessarily saw a good deal of the Ministers. Didn't you ?

A.—Yes.

Q.—Did you ever hear any complaint from the Ministers ?

A.—Not while they were in office.

Q.—I think then that when they were out of office they complained ?

A.—I think one Minister did complain.

Q.—Who is the Finance Member in Bengal ?

A.—At present ?

Q.—Yes.

A.—Just now Mr. Emerson is in charge.

Q.—He is a Civilian Member ?

A.—Yes.

Q.—The Finance Member has always been a Civilian Member. That is my point ?

A.—Yes.

Q.—Have you had any difficulty with the Finance Department ?

A.—No. But I have often not been able to get money for my wants.

Q.—We all have been in the same position in regard to money. In your opinion have the Finance Department interfered unduly with other departments ?

A.—No, that is not in my experience.

Q.—It has been suggested that the position would be eased if instead of having a joint purse it was a separate purse. What do you think about that ?

A.—I think public opinion would be more satisfied.

Q.—Do you think it would remove a cause of grievance ?

A.—Suspicion, yes.

Q.—I do not know whether it is in your statement, but certainly in one of the letters from Bengal it was stated that one of the difficulties of the situation has been the financial circumstances of the province ?

A.—That is strongly the view of Bengal. Do you mean the Meston award ?

Q.—Yes. You take the view that there has really been a constitutional difficulty through this ?

A.—If you want me to discuss the Meston award, I am afraid I am not in a position to do so, but that is the view of the entire Government and of the public and the Council.

Q.—There is one other point before I pass on, Sir Abdur Rahim, I wish to ask you about. We have been told the other day by a witness that in connection with the dispute at Tarakeswar the Government of Bengal had shown some lack of courage in failing to endeavour to place in possession the official receiver. Do you know anything about that case ?

A.—I personally had nothing to do with the case. I had heard that sort of allegation made and so I asked my colleague who was in charge of that Department, I mean the Police Department, if there was any foundation for it. I told him that if the receiver cannot get possession, then surely Government ought to help the receiver in obtaining possession.

He said " Nobody ever asked us to help the receiver in obtaining possession, neither the court ", and I think he also said " No application was made by the parties to that effect." If that is so, then it would have been gratuitous interference on the part of the Government to do anything.

Q.—I take it, it will be your view that in a question of enforcing a civil court decree, application must come from the court or the parties ?

A.—That I think is the law, Sir, if I have not forgotten the law.

Q.—I should like your opinion as to whether the Government of Bengal have ever shown any fear of putting into force the law when an application has been made ?

A.—I think the Government is powerful enough not to be afraid of anybody. We have tried to be as conciliatory as possible and not to ruffle public opinion unduly or unnecessarily.

(*Sir Muhammad Shafi*).—*Q.*—Has there been any instance in which an application was made to the Bengal Government and yet with a view to conciliate what is called popular opinion they did not take any steps on that application ?

A.—Of course, the Police is not my department, but if you could give me any particular instance you have in view, I might be able to answer.

Q.—As a Member of the Bengal Government, speaking for the Bengal Government, if an application was made by any party to be maintained in his rights under the law, would he receive support ?

A.—Most certainly, Sir.

Q.—Then I take it that that disposes of the allegation that the Government of Bengal owing to the fear of the majority of the Council have neglected to do their duty in maintaining law and order ?

A.—I should say so, certainly.

Q.—Have you got a copy of your memorandum ?

A.—I have not got it in book form, but I have got a copy. I have not got the same paging of course. I have got the sort of copy that we sent.

Q.—Pages 146 and 147, Sir Abdur Rahim ?

A.—If you tell me what it is about, very likely I should be able to find out.

Q.—Your proposals at the end of your memorandum are not the proposals of the Bengal Government, they are your own personal views ?

A.—Yes.

Q.—And you do not speak for the Bengal Government ?

A.—No, so far as these points are concerned ; there are some points in which we both agree.

Q.—In your second proposal you say, nominated *ex-officio* members shall not vote. You do not mean the nominated non-official members, do you ?

A.—As regards nominated non-official members I am not quite right, for instance, there are some members who represent Labour and they should be allowed to vote in the transferred departments.

Q.—You mean nominated official members should not vote ?

A.—Yes.

Q.—You would allow the Members of the Executive Council to speak on transferred subjects, but they are not to vote ? Would you allow them to speak ?

A.—Yes, I think, I would.

Q.—Then if they speak and do not vote..... ?

A.—It is not very logical.

(*Maharaja of Burdwan*).—*Q.*—You could allow them to speak only at the Ministers' request ?

A.—Undoubtedly.

Q.—That is, they could speak in support of the Ministers ?

A.—Undoubtedly.

(*Dr. Paranjpye*).—*Q.*—Not against the Ministers ?

A.—No.

Q.—You would allow the Ministers to speak at the Members' request ?

A.—Yes.

Q.—And to vote ?

A.—Yes.

Q.—Would it not be reasonable not to allow him not to vote on reserved subjects since you do not allow the member to vote ?

A.—I do not think so. My suggestions may not be logical, but you cannot get things logical.

(*Sir Muhammad Shafi*).—*Q.*—The position of the Minister is different from that of the Member of the Executive Council. In the first place he is elected and he is a representative of public opinion. Therefore there is no real incongruity in his being allowed to vote while the Member of the Executive Council should not be allowed to vote ?

A.—In that sense you may reconcile it.

Q.—I see that in paragraph 3 of your memorandum you would propose to amend the Act. The reference is really to section 52 (3), not 52 (2). You imagine something as follows in relation to transferred subjects, that the Governor is to be guided by the advice of Ministers unless he sees sufficient cause to differ from their opinion, in which case he may take action not according to their advice which states that :—" In relation to transferred subjects, the governor shall be guided by the advice of his ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice." You would amend it that he should be guided by their advice save where, in his opinion, the interests of law and order require a different decision ?

A.—Yes.

Q.—You would retain the powers of certification and the emergency powers of the Governor ? That you think necessary in view of your experience of the administration ?

A.—Most undoubtedly.

Q.—You do not consider the position would be safe without it ?

A.—Not in the present circumstances.

Q.—You would exclude the permanent Secretaries from having direct access to the Governor ?

A.—Yes.

Q.—In all subjects ?

A.—In all subjects and especially in transferred subjects.

Q.—Is it your idea that, by allowing the Secretary to go directly to the Governor, he would get behind the back of the Minister ?

A.—No, he has to inform the Member, I think, under the rules, but what I think is it is unnecessary and it is a sort of anomaly, not that practical difficulties have really arisen. But it is an anomaly because after all the Minister is responsible.

Q.—That is not quite the actual position in the reserved half. The Secretary is not Secretary to the Member. He is not Secretary to the Minister, he is Secretary to the whole Government. Why I put that to you is because he is discharging functions not merely in relation to his official duties but also in the nature somewhat of a watch-dog for the whole Government ?

A.—But he has no cognisance of what goes on in the Government save in his own department.

Q.—That is quite true, but under the Government of India arrangements, the Secretary is responsible directly for the administration of the rules of business, that is to say if they are broken, he is responsible to the head of the Government.

A.—Yes, so far as the official routine is concerned, dealing with the offices and the Under Secretaries and other things.

Q.—But supposing—I could not believe anybody would do so—but supposing a Member were to break the rules of business deliberately, it would be the duty of the Secretary to bring that to the notice of the Government ?

A.—I think Members ought to be trusted.

Q.—There has been a good deal of evidence before us which rather leads one to suppose that people regard the Secretary as the Secretary to the Minister. He is not ; he is Secretary to the Government ?

A.—No, I was not under that impression.

Q.—You say the relations of the Governor with the Ministers should be as nearly as possible like those of the King with the British Ministers. The Governor would then withdraw himself almost entirely from even the knowledge of the administration of the transferred side ?

A.—No, I think, I have said he would be entitled to call for information from any department he likes.

Q.—You would qualify that to that extent ? The King would not call for information.

A.—Yes, I put it that way in a very short form.

Q.—One of the reasons why the Governor under the present system has to keep in very close touch with the administration is that if he does not, he will not be able to discharge his functions on the reserved side ?

A.—You mean the administration of the transferred departments. The difficulty I have in mind is this. Of course the Governor would not interfere with the Minister, but he is not in touch with the Council while the Ministers have to be always in touch with the Council. He may be perfectly right but his views may not be those of the Council.

Q.—He is out of touch with the Legislature ? But still he must be in touch with the administration, that is the Ministers must come to him and keep him *au fait* ?

A.—That could be provided for.

Q.—But you see it is necessary the Governor should know what is going on ?

A.—Oh, certainly.

Q.—It is an interesting proposal that the Members of the Executive Council should take part in politics.

A.—I think it is necessary.

Q.—Would you extend that to other officials such as Commissioners ?

A.—Commissioners, yes, I think, I would.

Q.—Because you see they are in a way even more closely in touch with local opinion than Members.

A.—Commissioners and perhaps the district officer if he does not have any judicial functions.

Q.—Of course it would be a little difficult if I was a District Magistrate to speak on behalf of a particular candidate. I think, I could say that in any district I ever had that candidate would be returned.

(*Sir Muhammad Shafi*).—*Q.*—Your object is to enable them to explain the policy of Government to the people ?

A.—Yes, so long as you have what is called dyarchy he ought not to interefere with the transferred departments.

Q.—You would have to modify it a little so that he would be allowed to do this for the purpose of explaining the position of Government ?

A.—That is really my object.

Q.—But not of advocating a particular candidate ?

A.—No.

Q.—He would explain, for example, what the general policy of Government was towards a particular situation ?

A.—My reason for putting that forward was that at present it is understood in Bengal that the Members of the Executive Council are more or less officials ; my position is that they are really members of the Government.

Q.—And they ought not to keep their mouths shut ?

A.—That is what I advocate.

Q.—You think that if they can advocate the policy of the Government in the Legislative Council it is rather absurd that they should not be allowed to advocate it outside ?

A.—Yes.

(*Sir Muhammad Shafi*).—*Q.*—Would you not limit this political activity on their part to reserved subjects and allow the policy as well as the administration of transferred subjects to remain untramelled in any way by Government officials, in the hands of Ministers and their supporters ?

A.—Except of course if he can give any support to the Ministers, I do not see why he should not do it. Certainly he should not interfere with the policy of the Ministers in any way.

Q.—You consider the present situation under which the High Court is subject to the control of the Central Government and yet the Local Government have to find the funds is unsatisfactory ?

A.—Yes.

Q.—You would terminate that ?

A.—Yes.

Q.—I take it you would terminate it by the same arrangement that prevails in Bombay and Madras ?

A.—Yes.

Q.—Of course you are aware the Calcutta High Court have always claimed a special position ?

A.—That I know.

(*Dr. Paranjpye*).—*Q.*—Would you do away with that special position ?

A.—Yes ; I have found no difficulty in Madras.

Q.—You were yourself a judge in Madras ?

A.—Yes, I was there for more than 12 years.

Q.—And you feel that, even in the provincial judicial service the Local Government should have greater powers ?

A.—Yes.

Q.—You find that the Muhammadan community has not had its fair share of appointments ?

A.—Undoubtedly.

Q.—Would you say that is the case in other departments ?

A.—It is more pronounced there than anywhere else. In the other departments they have been able to do something. They are trying to rectify the inequality as much as possible. There is a general Muhammadan opinion that enough has not been done for the Muhammadans by the Government.

(*Mr. Jinnah*).—*Q.*—Is it a fact, or is it merely their imagination ?

A.—I won't say it is imagination ; the disparity is still very great. Of course this is my personal opinion.

Q.—I quite understand that. It is not the Bengal Government's opinion but your opinion. Now you know that as a result of the Lee Commission's Report if it is finally given effect to there will be a great increase in the Indianisation of the Services ?

A.—Yes, I know that.

Q.—Now in connection with that do you think any special measures are necessary to provide that no particular class or community shall obtain a preponderating share in Government service ?

A.—I think it is essential if you are to have a Government which really commands the confidence of the people at large.

Q.—You regard that not only from the point of view of the loaves and fishes but as part of the constitutional advance ?

A.—Exactly.

Q.—You consider that without that there will be distinct defects and difficulties in any constitution ?

A.—I do not attach any importance to the interests of mere individuals. It is not that, Sir, it is the political position in Bengal where the Muhammadans form the majority of the population and were at one time the rulers of the province ; if they don't feel satisfied that they have a proper share in the administration.....

Q.—I was not thinking particularly of the Muhammadans. Of course that is the preponderating element in all our minds, but I would like to put it more broadly than that—that as far as is possible and is compatible with the efficiency of the public service the public service should contain representatives of all communities, that the services should not be the hunting ground of any one community.

A.—Undoubtedly ; I quite agree with your statement, Sir, if you will pardon my saying so, and as I understand efficiency I take it in a much broader light than people ordinarily do. I do not take it to mean simply the notes put up in office. It is not merely paper efficiency. I understand by efficiency that the Government is to be popular with the people is to inspire confidence in the people, but when you have a large section of the people who are not represented in the administration you cannot expect that the administration will inspire universal confidence so long as the people are divided.

Q.—You have a source of dissatisfaction, a standing sore ?

A.—Exactly.

Sir Muhammad Shafi.—*Q.*—By mentioning the case of the Muhammadans of Bengal you only gave an illustration of the general principle about which the Chairman asked you ?

A.—Most undoubtedly.

Q.—How long were you a Judge of the Madras High Court before you became a member of the Executive Council in Bengal ?

A.—I went to Madras in 1908 and I joined Bengal at the beginning of 1921.

Q.—Towards the last year of your tenure of office as a Judge you were Senior Puisne Judge in the Madras High Court ?

A.—Yes.

Q.—And I believe you officiated as Chief Justice for six months or so ?

A.—I officiated on two occasions.

Q.—Well now with regard to the questions put to you by the Chairman as to the appointment and salary of Ministers, I would like to invite your attention to one or two provisions of the Government of India Act and ask your opinion, in view of your judicial experience, about it. If you will turn to section 46 of the Act in the first instance, sub-section (1) says :—

> " The presidencies of Fort William in Bengal, Fort St. George and Bombay, and the provinces known as the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam, shall each be governed, in relation to reserved subjects, by a governor in council, and in relation to transferred subjects (save as otherwise provided by this Act) by the governor acting with ministers appointed under this Act."

Doesn't this section make it clear that in so far as the administration of transferred subjects is concerned the Governor acting with Ministers is an absolutely essential part of the constitution of Provincial Governments.

A.—You mean both the Governor and the Ministers ?

Q.—Yes.

A.—Undoubtedly.

Q.—Well now turn to section 52, sub-section (1) :—

" The governor of a governor's province may by notification appoint ministers not being members of his executive council or other officials to administer the transferred subjects and any ministers so appointed shall hold office during his pleasure."

The previous section referred to Ministers being an essential part of the constitution. Does not this sub-section 52 (1) indicate who is to be the appointing authority of those ministers and say it is the Governor who will appoint the ministers ?

A.—Yes.

Q.—Then when we turn to the second part of this sub-section (1) we find :—

" There may be paid to any minister so appointed in any province the same salary as is payable to a member of the executive council in that province, unless a smaller salary is provided by vote of the legislative council of the province."

This portion of the section fixes the maximum salary payable to Ministers but leaves it to the provincial legislative council to fix a lower salary ; but it was contemplated by the Act that some salary must be fixed ?

A.—I think so.

Q.—And that is really where the omission, if there is any omission, comes in—that the Act does not specifically say so, it is only by means of inference that you get it. That is the position ?

A.—Exactly. Unless it is said that there may be Ministers without any salaries at all, but I do not think the framers of the Act contemplated any such thing.

Q.—I agree that that was not contemplated ?

(*Mr. Jinnah*).—*Q.*—Then a Minister can never be removed ?

(*Sir Muhammad Shafi*).—Oh yes, he can be removed at the pleasure of the Governor.

(*Mr. Jinnah*).—You see the Minister is appointed by the Governor, he holds office during his pleasure.....

(*Mr. Chairman*).—The Governor's pleasure ?

(*Mr. Jinnah*).—*Q.*—Yes, yes. His salary cannot be reduced beyond a certain point if it is fixed. Then who can dismiss him ? The Governor alone. The legislature cannot ?

A.—No.

Q.—May I point out that it will be open to the legislature to pass a vote of censure against the Minister and in that event, in the first place, would a Minister continue to insist on holding office in spite of the vote of censure passed by the legislative council ?

A.—It is unlikely and no Governor would keep him.

Q.—And in the second place is it likely that the Governor would in spite of the vote of censure let him continue ?

A.—No, I should not think so.

(*Mr. Chairman*).—*Q.*—In any case let us take it a bit further. We do know in this country constitutional conventions are not always observed. Might not it be as well to put it in the Act that the Minister should resign when a vote of censure is passed ?

A.—I think it is absolutely superfluous.

(*Mr. Chairman*).—That would meet Mr. Jinnah's point.

Q.—Is not that the convention in the British Parliament ? Would you not leave it also to convention here ?

A.—Yes.

(*Mr. Jinnah*).—*Q.*—In Bengal your two Ministers did not resign after the vote of censure was passed ?

A.—The vote of censure was not passed. It was defeated.

(*Dr. Paranjpye*).—*Q.*—It was not allowed to be moved ?

A.—It was moved and defeated.

Q.—Now with regard to your proposal that the permanent secretaries in the provincial Governments should not have direct access to the Governor. As I understand the position now, you emphasise in regard to secretaries working in a transferred department, that they should not have direct access to the Governor ?

A.—Yes.

Q.—Because at any rate in the minds of the Ministers as well as of the public the position of the Minister is affected if the secretary has direct access to the Governor ?

A.—Yes, more in the mind of the Council I should say—the legislative council with whom they have to deal.

Q.—Quite, and also it is to a certain extent somewhat repugnant to the principle of responsibility which has been conceded in regard to transferred departments that the permanent official should have direct access to the Governor over the head of the Minister.

A.—Yes, because the Minister has to deal with the House ; he is in touch ; he knows what is wanted and what is not.

Q.—And in regard to the reserved side, what you say is this—you would not prevent the permanent secretary taking a case to the Governor in certain circumstances, but in all circumstances he must inform his Member that he is doing so ?

A.—That is provided by the rules ; so far as I recollect and I think it is in the rules—that he must inform his Member.

Q.—I think there is another rule also that he can take a case to the Governor at any stage.....

A.—And then inform the Member.

Q.—I think without informing. There are two rules. One speaks of informing the Member, the other does not ?

A.—No, but after having gone to the Governor he has to inform him at once—either simultaneously or immediately afterwards. That is my recollection of the rule in Bengal. Perhaps the Maharaja remembers better.

(*Maharaja of Burdwan*).—*Q.*—Have you got the rules there ?

A.—I have not got them.

(*Mr. Chairman*).—At any rate your recollection will be sufficient. We can verify that afterwards.

(*Sir Muhammad Shafi*).—Yes there is that rule in Bengal. That is so. You are right.

A.—But I have made it clear that I really do not see that in practical working of the administration any difficulties have arisen on that ground, though that seems to me to be misunderstood by the public.

Q.—It is a question of principle apart from any difficulties ?

A.—It is that. Of course sometimes difficulties may arise—I do not deny that.

Q.—Before I put any question to you with reference to your proposal 10.....

(*Dr. Paranjpye*).—May I ask one question. Are the Ministers consulted in the appointment of secretaries to Government ?

A.—I think so, yes—I mean in their departments.

Q.—Well before you entered service, before your appointment as Judge of the Madras High Court, you played some part in the public affairs of the country ?

A.—I was not a member of any legislative council but I was associated with various Muhammadan associations.

Q.—You were a member of the All-India Muhammadan deputation that waited on Lord Minto on 1st October 1906 ?

A.—Yes.

Q.—And even when you were a Judge in Madras you held some office in some of the educational institutions there ?

A.—Yes, I was always associated with such institutions and I presided over a number of Educational Conferences.

Q.—You were President, as far as I remember of the All-India Muhammadan Education Conference in 1915 ?

A.—Yes, I do not exactly remember the date. It was held in Poona.

Q.—Yes, the year before I presided at Aligarh. That is how I remember the year. It was 1915 ?

A.—Yes.

Q.—Now tell me as a member of the Executive Council of Bengal and also as a resident of that province yourself, whether you are in close touch with Muhammadan feeling in that presidency ?

A.—I suppose so ; I should think I know it very intimately.

Q.—What is the general view of the Muhammadan community in Bengal with regard to their representation on the Bengal Legislative Council ?

A.—Do you mean communal electorates ?

Q.—My point is this : what is the proportion of the Muhammadan population in Bengal according to the last census ? 56 per cent., is it not ?

A.—Something like that, 55 or 56 per cent.

Q.—We have been told by Sir P. C. Mitter that it is 56 per cent. ?

A.—Very likely ; he has a better memory for figures than I have.

Q.—And the Muhammadan representation on the Bengal Legislative Council is 40 per cent. ?

A.—Of the Indian elected seats, yes.

Q.—With regard to this proportion what is the general Muhammadan feeling ?

A.—I think it is condemned unanimously ; I noticed that Mr. Fazlul Huq stuck to the opinion he had expressed at the time of the Lucknow Pact.

(*Mr. Chairman*).—*Q.*—But he also said that it was his personal opinion ?

A.—I think he remains not only in a minority but in the minority of one.

Q.—Of the two Muhammadans who were parties to the Pact, Maulvi Abul Kasem was the other and you know he makes no secret of his opinion either on the platform or in private, that he is now entirely opposed to that pact ?

A.—Yes. I have heard that.

Q.—I was not at Lucknow on that occasion, but I understood that Nawab Ali Chaudhuri even at that time dissented from the Pact ?

A.—He told me that and I think he showed me his opinion.

(*Mr. Jinnah*).—*Q.*—You know that the Lucknow Pact was not a permanent settlement ?

A.—I do not think anything is permanent in politics ; is there ? For the time being I think it was a very good thing. I myself would have endorsed it at the time ; it was a good beginning.

(*Mr. Jinnah*).—*Q.*—It was never intended to be permanent or immutable ?

A.—I believe at that time it was not contemplated that responsible government would be inaugurated here ; I do not think that was in the mind of the people who were parties to the Pact ; it has made all the difference in the world. If you are going to have a democratic form of government you must have regard to the majority so long as people are divided into communities.

Q.—Do you remember that even at that time the then Punjab Muslim League protested against the Pact ?

A.—I do not know.

(*Mr. Jinnah*).—*Q.*—You thought the Pact was a good thing then ?

A.—I think I was then on the Bench ; but at that time I should say it was a good thing.

(*Mr. Jinnah*).—*Q.*—Would you have endorsed it ?

A.—Very likely I would have endorsed it ; it was a very good beginning.

Q.—As regards the method of representation, what is the feeling in Bengal amongst the Muhammadans ? Do they insist on election through their own communal electorates ?

A.—Undoubtedly.

Q.—The opinion there also is unanimous amongst the Muhammadans ?

A.—I should think so.

Q.—In paragraph 10 (*a*) you say " So long as communal representation remains a necessity the number of Muhammadan and Hindu seats—what are called general constituencies in Bengal are for all practical purposes Hindu constituencies—should be in proportion to their respective population ?

A.—Yes.

Q.—That is to say, in provinces where our Hindu brethren are in a majority you would secure to them the rights of the majority ?

A.—Yes.

Q.—Similarly in provinces where Muhammadans are in a majority you would secure to the Muhammadans the rights of the majority ?

A.—Yes.

Maharaja of Burdwan.—*Q.*—Sir Abdur Rahim, before I come to your personal note, I should like to draw your attention to the Government of Bengal's letter. If you will kindly refer to paragraph 12 of that letter, it says "Four members of the Executive Council and three Ministers were held to be an excessive number for the administration of an area which in previous days formed only part of a province ruled by a single Lieutenant Governor. There is some force in the criticism, etc., etc." Now in the Punjab and in Bihar and Orissa (Dr. Paranjpye : "And the United Provinces") and in the United Provinces you have got one official member and the interests of the Civil Service are secured in his hands ; and you have got in addition one non-official member. Do you think—I am asking your personal opinion—that in Bengal two members could carry on the reserved departments or not ?

A.—I think it would be rather too much.

Q.—On an occasion like the present it would be rather too much ; but supposing you have your transferred departments under Ministers ?

A.—Now of course it is out of the question ; but even taking the reserved departments alone I am afraid it will be too much.

Q.—Supposing you had three, instead of two ; in view of the fact that you have three Ministers on the transferred side who are non-official Indians, would you be willing so far as Bengal is concerned to go back to the old system when there was only the executive side, two officials and one non-official ? Would you be willing to have one Indian member as against two service men, the Indian member perhaps being by rotation a Hindu and a Muhammadan, as used to be the case before the transferred departments came in ?

A.—I do not think I should like to have that. I may say generally that my view is not determined solely by the amount of work of the departments ; the number of members ought to be sufficient in consideration of the whole political situation. I mean they ought to carry weight ; there ought to be a sufficient number to exercise influence in the country ; from that point of view I should be quite inclined to recommend even one or two members without any portfolios.

Q.—In other words, supposing you had three members, you would rather have one European official, one Hindu and one Muhammadan ; whereas if there had to be two official members you would prefer the present number of four ?

A.—Yes.

Q.—That is practically what it comes to ?

A.—Yes, practically.

Q.—Now, in view of your experience of four years in the Government of Bengal, you know that dyarchy was introduced as a transitional stage and that one way of giving full responsible government would be the gradual transference of all subjects ?

A.—Not only that ; also the removal of restrictions.

Q.—The gradual transference of subjects would be one of the primary ways in which you would bring in responsible government in your province ; it will be all Ministers when you have full responsible government ? You do not imagine that there will still be a reserved side ?

A.—No ; of course under full responsible government there can be no such thing as official or nominated votes, and the government must be entirely responsible to the legislature.

Q.—Whether you have officials as Ministers or not, it will all have to be Ministers or members, whatever nomenclature you may have, who will be responsible to the legislative council ?

A.—Yes.

Q.—That being so, do you think that in Bengal at present you would be willing as a member of government or in view of your experience, to transfer any more subjects ?

A.—No ; the present transferred subjects are quite sufficient to give us an idea of how the thing works, if it is allowed to work ; if it is not allowed to work it is no good to transfer the whole.

Q.—You think that the subjects that have been transferred in Bengal for the present are sufficient ?

A.—Oh, quite ; they are the most important.

Q.—Take in Bombay, Forests is transferred there ; of course as you know, Forests was under me when I was a member of the government. Do you think that a subject like Forests could be transferred to-day ?

A.—Of course you could transfer anything you like ; but what I think is this, we have got enough difficulties now with the subjects that have been transferred ; we do not want to add to our difficulties.

Q.—For the present you would rather not have any other subject ?

A.—Most certainly not.

Q.—In connection with your own proposals I think you were pleased to suggest that there should be a separate purse for the transferred departments. Do you think that this separate purse would not only remove any suspicion that the legislative council might have, but that it would also help in the smooth working of the government between the Members and the Ministers ? You know whenever there was a little surplus there was always a scramble for funds between the two halves of the government ; but if you had a distinct dividing line, that scrambling would be done away with and in consequence there would be less risk of any unpleasantness ?

A.—But I do not think, Maharaja,—of course you will bear me out—that there has been any unpleasantness.

Q.—Do you think that by having a separate purse any possibility of unpleasantness would be avoided ?

A.—Of course, the thing is that there is a certain amount of suspicion though very unjustifiable suspicion in the legislative council of whatever happens in the government ; they think that the reserved half of the government are very powerful and influential and grab everything ; as a matter of fact I have been a member on the reserved side and I have always been inclined to give the other side more than to take for my own department and I think that is the attitude of everybody else.

(*Sir Muhammad Shafi*).—*Q.*—You think it would remove that impression ?

A.—That is my idea.

Q.—As regards the rules that Sir Muhammad Shafi referred to, you were quite right in saying that when a Secretary is permitted to approach

the Governor direct with a case at any stage he has immediately to inform his member ; the Bengal rules say that ; would you rather in those cases also have him inform the member before he takes up the case to the Governor ?

A.—I think what is contemplated is that there may be some very urgent cases which have to be taken at once to the Governor.

Q.—You do not object to the wording of the rule as it stands ?

A.—No.

Q.—I am mentioning this for the reason that a great deal was made of this by one of the *ex*-Ministers of the Central Provinces I think, who said that it was very derogatory to them that a Secretary should take up a case direct to the Governor without getting their permission so to speak ; you do not think the rule as it stands in actual practice works any hardship ? I want your opinion because you and I have both worked this rule in actual practice ?

A.—So far as I remember, I do not think it does.

(*Sir Muhammad Shafi*).—*Q.*—For instance a case of emergency might arise while the Minister or the Member is on tour. Therefore if information to a Member is made a condition precedent it would interfere with the efficient working of the administrative machinery ?

A.—Yes, that is the object of the rule.

(*Sir Muhammad Shafi*).—*Q.*—That particular rule in your opinion was really intended to cover cases of urgency or emergency ?

A.—Yes.

Q.—There is only one other question I want to ask you—because it has already been substantiated by two *ex*-Ministers of Bengal and I am sure you will agree with me that it was my view at the time. Is it not a fact that, when the communal question came up in connection with the Calcutta Municipal Bill, when it was a Bill and not passed into an Act, that the party of the late Ministers really had a very distinct set-back because two Ministers fell out with each other over the communal question ?

A.—They did. There were two Ministers on one side and one on the other.

Q.—Yes, but particularly two Ministers—Sir Surendranath Banerjee and the Nawab Sahib ?

A.—Yes.

Mr. Jinnah.—Q.—I want to ask you with regard to paragraph 10 of your note,—you said I think that the Muhammadans in Bengal are 56 per cent. Now they are in the majority ?

A.—Yes.

Q.—Would you require separate electorates in Bengal ?

A.—Yes, it is an absolutely necessity, at present.

Q.—In spite of the fact that they are in the majority ?

A.—Yes, they are not organised, and not only that, communal feeling is bad ; they would like to be represented by men of their own choosing. I say that, so long as the people are divided into communities like that, this is a necessity, however regrettable.

Q.—You think that the numbers or the percentage, you think that is the only test as to what representation should be given to one community or another ?

A.—If you have democratic government, I think that is the basic test.

Q.—We have not got that at present ?

A.—Oh yes, the beginning of it so far as the transferred departments are concerned.

Q.—Then what about the reserved ? You think the Muhammadans are not concerned with the reserved departments ?

A.—Well, the Legislative Council has no control over the reserved.

Q.—You see we are now dealing with the present system of Government—we are not dealing with the ideal state of national government or democratic government, whatever you may like to call it. At present in determining the share of the Muhammadans, as far as representation goes, would you say that population is the only test and no other consideration ?

A.—I said that if you have a democratic form of government—representative government even partially, then I think it is absolutely necessary and it is only right that you must go upon the basis of population.

(*Sir Muhammad Shafi*).—*Q.*—Even now you would regard that as the principal test ?

Q.—My question is, the only test.

A.—If you mean that minorities ought to be protected.

Q.—We will come to that later. First I want to get this clear. Do you think that this is the only test and there is no other test. I am talking of the present state of India ?

A.—I should say it is the most important test.

Q.—Then you say it is one of the tests—it may be an important one—but one of the tests ?

A.—Well, there may be some other test—if you will suggest it to me I can answer.

Q.—You can't think of any ?

A.—You mean education ? Is that what you mean ?

Q.—I am not going to suggest anything.

(*Mr. Chairman*).—I think you have got your answer. It is quite clear.

A.—Of course, I cannot dive into what you are thinking.

Q.—You are not supposed to dive into what I am thinking. You are supposed to answer the question.

(*Mr. Chairman*).—I think he has given you a very fair answer.

(*Mr. Jinnah*).—I don't say he has not.

(*Mr. Chairman*).—Yes, but you have asked him a question and he has given you an answer.

(*Mr. Jinnah*).—Well, I am giving him an opportunity again. If he says so I have nothing more to say.

Q.—Now, would you not consider the question of voting strength as one of the tests ?

A.—Yes, it depends on how you frame your voting strength.

Q.—But you would consider that ?

A.—Yes, certainly ; what I mean is, you should frame your franchise on that basis.

Q.—Try and follow me please. I am now thinking of nothing else but what portion of representation the Mussalmans should have. That is the point on which I am now asking questions ?

A.—I understand.

Q.—You say that the Muhammadans must have representation in Bengal—I am talking of Bengal—I am not talking of any other province ?

A.—I know nothing of any other province.

Q.—Quite right. You say the Muhammadans should have a proper share in representation and you say that their majority must be maintained. Now, I put it to you, is population the only test ?

A.—Well, and you suggested voting strength.

Q.—Would that be taken into consideration or not ?

A.—It strikes me that, if my proposition is correct that you must take the population into consideration for purposes of guidance, then you frame your franchise accordingly. That is what I mean. For instance, if you say, men only who have an income of Rs. 100 a month or Rs. 500 or Rs. 1,000 a month, shall have franchise, you may be disregarding the population test altogether.

(*Dr. Paranjpye*).—But you can have manhood suffrage.

A.—Yes, that is what every democratic government is aiming at.

Q.—Supposing—I will give you a specific instance—supposing 44 per cent. of representation is given to Hindus and 56 per cent. to Muhammadans ?

A.—It wouldn't be that.

Q.—Suppose, I am saying. I am taking an instance. It would be between the two. But suppose that any standard of franchise that you may lay down—qualifications for the voters—the total number of voters that will get on the roll who are returned to Hindus is far in excess of the total number of voters who will remain on the Muhammadan electorates ?

A.—Well, what about the manhood suffrage ?

(*Sir Muhammad Shafi*).—You see, the framing of such a system is radically wrong.

(*Mr. Jinnah*).—I think, Sir, it is very wrong that I should be interrupted at every turn. I really think that I should be allowed to go on.

(*Mr. Chairman*).—You go on, as quickly as possible.

(*Mr. Jinnah*).—I can't go on quicker than I am.

(*Mr. Chairman*).—It seems to me the witness is doing his best to answer your questions.

(*Mr. Jinnah*).—I think the witness is absolutely trying his best.

Q.—Now, would you take that into account or not in fixing the proportion of Muhammadan representation ?—the voting strength ?

A.—I think my answer that you should frame your franchise accordingly answers it.

Q.—Now, in Bengal would you insist upon 56 per cent. of Muhammadan representation ?

A.—As against Hindus, yes.

Q.—Would you apply the same rule to other provinces ?

A.—Subject to the other qualification—safeguarding large minorities.

Q.—But in Bengal would you not give more to the minorities ?

A.—46 per cent. is quite enough for purposes of protection. Again, there are the Europeans and there are the officials.

Q.—You say the minorities in Bengal are effective as it is ?

A.—Yes.

Q.—Well, now, we get to the next point ?

(*Sir Muhammad Shafi*).—Before, Mr. Jinnah, you get to the next point, I want a ruling from the Chair. While other members have been examining witnesses and in several instances while I was examining witnesses Mr. Jinnah has interposed and put questions in order to clear the answer or in order to impress his own view. If this practice occasionally of intervention is to be stopped, it must be stopped in respect of all members. I mean not only in the case of one member.

(*Mr. Chairman*).—I think you will recognise that in allowing questions to be put I have endeavoured always to be perfectly fair—that is, if it is reasonable, undoubtedly it saves time.

(*Sir Muhammad Shafi*).—You have been most courteous and given every freedom to members during the examination of witnesses but, when objection is taken by one member to a question, I am entitled to take similar objection.

(*Mr. Chairman*).—Most certainly. I think it is inconvenient and it is disturbing in the course of one's examination if an intervention is put in ; unless it is in the best interest of the committee.

(*Mr. Jinnah*).—My only point is that while you are in the midst of your point, if any member gets up and wants to put his point, it is most disturbing. That is my objection.

(*Sir Muhammad Shafi*).—Mr. Jinnah has done it more than once himself.

(*Mr. Chairman*).—You have done it yourself.

(*Mr. Jinnah*).—But not in the middle.

(*Mr. Chairman*).—However, I must ask the committee to bear with one another and not interfere unduly.

(*Mr. Jinnah*).—I think, Sir, it would be much better if your ruling is taken every time a member wants to intervene.

(*Mr. Chairman*).—I don't want to do that because it will delay matters.

Q.—About this Swaraj Party, was this party of obstruction—you have been in public life and you have also held high office in the Government—what are the causes of this, do you know ? I mean the main causes—I don't want to go into the details but have you ever considered what their attitude is due to ?

A.—The people that form the party begin with an invincible distrust of the British regime in India altogether. That is one reason. Then they think they are the only people who can run the Government in Bengal and they are extremely intolerant of difference of opinion. So much so that they have been able to destroy freedom of speech altogether in Bengal. No

public meetings can be held now. They have got great confidence in themselves and absolute distrust of others. That is the mentality which I have been able to gather underlying their attitude.

Q.—You said that in Bengal the swarajists had the support of the Independent or the Nationalist party ?

A.—I see no difference between the two. They are one.

Q.—What remedy would you suggest ?

A.—Tell them plainly how far we shall go and no further. Do what you like.

Q.—You must define what advance you are prepared to make ?

A.—Exactly. It is for you to define the limits within the Act or by the rules.

Q.—You think that they can be met by telling them that the Government are prepared to make an advance thus far and no farther ?

A.—Yes, but there should be no advance at present.

Q.—That will satisfy them ?

A.—Whether that will satisfy them or not I do not care. Those who come into the Council under the Act must abide by the Act.

Q.—There is no other remedy that you can suggest ?

A.—I have suggested the removal of certain difficulties. My suggestion is to make the trial of responsible government absolutely real as far as the transferred departments are concerned because the object of the Act is to institute responsible government here by gradual stages. This is a transitional stage or as it is sometimes called an experiment. We want to gather experience how this form of Government will work in India. India has never known this form of Government. India has produced very great men, great administrators, great rulers but any sort of Parliamentary government has never been known here and if the British people have to make over the Government of India to the people of the country I cannot readily conceive of any other. And I think this is the best. That is why this Act says so far as certain subjects are concerned their administration will be responsible to the Council. We have got to see how the Council runs the Government. We have not got sufficient experience yet and without it it will be dangerous and it will be unsafe for future constitutional advance to take a false step.

Q.—Your remedy is that so far as the transferred subjects are concerned the Governor should be made a constitutional Governor ?

A.—As far as possible.

Q.—And that there should be division of purse ?

A.—Yes.

Q.—And that the Minister should be responsible to the legislature for his policy and programme ?

A.—Yes, that is my individual opinion.

Q.—I am talking of your opinion. If that was done, do you think it will satisfy the representatives in your Legislative Council ?

A.—It will not satisfy the Swarajists because they have come in with the idea either the whole thing or nothing.

Q.—I am not dealing with the Swarajists. Do you think that in that event the Ministry could be formed with the support of the majority in the House of representatives ?

A.—I am rather sceptical but I would give a chance to the people to run a Government like this.

Q.—Supposing that proposal of yours was carried out by Government, would you in Bengal expect them to form a Ministry which will command a majority of the House ?

A.—If you amend the franchise as I have suggested there is a possibility.

Q.—According to your proposals it is possible ?

A.—If you amend the franchise. I have made that the condition. It is possible but I am not sure because it is a very difficult form of Government to run.

Q.—Supposing the demand that is universally made for a substantial advance was conceded don't you think that the party of wreckers will considerably weaken and probably be unable to carry out their policy ?

A.—Yes, but I do not know how the administration will be run. That is the difficulty. I want to be reasonably certain how it is going to work.

Q.—I am not defining the advance. Supposing a substantial advance was made, will that not weaken the party of wreckers ? I am not talking of the Swarajist demand ?

A.—I know of no other demand excepting the Swarajist demand for complete autonomy.

Q.—You yourself have made proposals. I am not talking of any particular party. Supposing the Government were to make a substantial advance in the constitution of the Government of India, will not that strengthen the constitutional party and weaken the party of wreckers ?

A.—No. The constitutional party will take that as a sort of betrayal. They have supported the constitution of the Government of India Act because they want, a trial to be made of real responsible government and not of autocratic irresponsible government by whatever name you call it.

Q.—Then I take it that the constitutional party in this country does not require any substantial chance in the present constitution ?

A.—I cannot speak for the whole of India. I have been engrossed in the affairs of Bengal.

Q.—I am talking of Bengal. The constitutional party in Bengal does not desire any substantial change in the present constitution of the Government of India or the Provincial Government ?

A.—That is my opinion.

(*Sir Tej Bahadur Sapru*).—What exactly do you mean by the constitutional party ? Who are they ?

A.—Those who have supported the constitution. I should take them to be those who supported the Ministers' salaries on the two occasions.

(*Sir Arthur Froom*).—*Q.*—With reference to what you have said, that the constitutional party does not require any change, I take it that you wish the committee to understand that they do not want any change immediately ?

A.—That is what I meant.

(*Sir Arthur Froom*).—*Q.*—They have got their eye on the future when some change might be made ?

A.—Yes. May I say one word about the constitutional party. I do not mean the party that existed or was supposed to exist in the last

Council. I do not mean that. I mean those who have been supporting the constitution in the present Council.

Q.—I was not talking of your Council. I was talking of the country at large. I do not like to go into details. Outside in the country there are several parties, the Liberal party, there is the Independent party, there is the Nationalist party, there is the Swarajist party and the party of Non-co-operators. You know all that ?

A.—I have heard of the names.

Q.—Just for the sake of shortness, there is a party in the country which might be characterised as a party of wreckers who repudiate the Government of India Act of 1919. They consider it a thing which must be destroyed. There is another party which desires a further advance in the constitution of the Government of India. If a substantial advance were made, would not that party which wants the advance under the constitution be made stronger and the party of wreckers would be weakened considerably.

A.—I do not think so from my experience of Bengal. I should have thought that if they went about in the proper way things would have been much easier by this time and that is what I advised some of my friends of the Swaraj party.

Sir Henry Moncrieff Smith.—*Q.*—Is it your opinion, Sir Abdur Rahim, that for the establishment of full responsible government an essential condition is the formation of a political party system on more or less sound lines ?

A.—Certainly.

Q.—Have you seen any indication so far of the evolution of a sound party system ?

A.—Just at the latter end of the last Council perhaps there was a sign that parties may form but there was not time enough for that party to grow. One could not be certain. I think there was some sign of parties being formed.

Q.—Generally speaking was the only well organised party the anti-government party ?

A.—Exactly.

Q.—The constitutional party that you referred to was really a collection of individuals rather than a party ?

A.—Yes. I would call them rather a group but they are organising themselves.

Q.—When a Minister accepts office he undergoes to a certain extent a change of attitude, does not he ?

A.—Undoubtedly.

Q.—He has to go from destructive criticism of Government's policy to a constructive policy of his own ?

A.—It is a natural process.

Q.—Is it not one of the difficulties due to the fact that so far as he belonged to a party before he accepted office as Minister, he is inclined to leave his party behind him ?

A.—I do not think why he should.

Q.—Does his party in so far as it existed before also undergo a change of attitude ? Do they abandon destructive criticism ?

A.—In the first Council parties had not formed themselves though attempts were being made and in the new Council the Swarajists destroyed everything.

Q.—Is there any large tendency at present for a Minister's party to form itself, a pro-government party ?

A.—There is a tendency, Yes.

Q.—With regard to your proposals, Sir Abdur Rahim, you say that they may appear " rash and hazardous ". Do you mean to suggest that to go much further would be more than rash and hazardous, would be dangerous and suicidal ?

A.—It would be.

Q.—With regard to your proposal to give Ministers' Secretaries for the Council chosen by them from among the elected members, do you mean to replace the Secretaries under Government by these Ministers' Secretaries ?

A.—My idea so far as the transferred departments are concerned they ought to be made over entirely to the elected members.

Q.—You cannot carry on without some permanent staff ?

(*Mr. Chairman*).—*Q.*—You will have the permanent secretary in the department ?

A.—Yes, I want some secretaries to be the spokesmen of the Minister in the Council, a sort of understudy if you like.

Q.—Do you contemplate something like the Council Secretaries that are contemplated by section 52 of the Government of India Act ?

A.—Yes.

Q.—You think that section 52 will, if worked, give you all that you want ?

A.—I consider so.

Q.—Of course section 52 provides that the Governor is to appoint them. How would you arrange that ? Would you have Council Secretaries appointed by the Governor on the recommendation of the Minister ?

A.—I do not think it matters very much whether he is appointed by the Governor on the Minister's recommendation or directly by the Minister himself.

Q.—And the salary as at present is voted by the Council ?

A.—That, I suppose, will be done either in consultation between the Ministers and their followers and the Governor or the Council will fix the salary.

Q.—Under the Act it is fixed by the vote of the House ?

A.—I had overlooked that. I would maintain that certainly.

(*Mr. Chairman*).—*Q.*—Would you maintain that provision ?

A.—Yes.

Q.—It has been suggested to us that the moment a man is appointed a Council Secretary he would go into Government's pockets and that his party would lose his vote ?

A.—This may happen for that has been the mentality of the Council I am rather sceptical, but I would try it.

Q.—You have not tried that system ?

A.—No.

Q.—Was the possibility of trying the system ever considered ?

A.—Yes. I think it was considered but was not tried partly for financial reasons and partly for other difficulties.

Q.—Your Council Secretaries would not be whole-time servants ?

A.—No. That is a detail, I really cannot pronounce an opinion upon.

Q.—One point, Sir Abdur Rahim, with regard to the access of Secretaries to the Governor. You propose to leave the Governor certain powers, considerable powers. As the head of the Government he has to keep himself in touch with what is going on in all the departments ?

A.—That is why I think that all questions of policy ought to be considered and settled by a meeting of the Ministers.

Q.—All questions of policy ? Do you mean important or unimportant ?

A.—Important.

Q.—But if there are a large number of questions that have to be laid before the Governor on which, he now receives information from his Secretaries and if you deprive the Secretary of his access, it will mean that Members and Ministers will themselves have to keep the Governor in touch with what is going on ?

A.—Yes. The Governor will also have the power to call for any information.

Q.—Don't you think that it will be making a very serious demand on the time of Members and Ministers ?

A.—I do not think in practical working it will. After all, that is not a very integral part of my proposal.

Q.—One of your proposals is that Ministers should have the right to consult the Governor and the Members of the Executive Council if they so chose. Is there anything to prevent such consultation now ?

A.—No, it has not taken place. I suppose it has to be done through the Governor. I am not sure that there is any rule, providing for any such consultation at the instance of a Minister.

Q.—There is nothing to prevent informal conference. You have many informal conferences with your colleagues on both sides ?

A.—I should have liked to have seen much more of it.

(*Mr. Chairman*).—*Q.*—You would like to encourage it ?

A.—Yes.

Q.—So far as decisions are concerned, you would draw a very distinct line between the two sides of the Government ?

A.—Yes.

Q.—It has been suggested to us that dyarchy is an impossibility, because it is not a unified Government. Do you see any force in that contention ?

A.—No, I have not been able to understand it. If you do not want to work dyarchy, you can make it impossible. That is another matter. They have not proved that it is unworkable. They have proved that they can make it unworkable.

Q.—They have proved that they do not like it ?

A.—Yes, that is it. They never tried to work it.

Q.—In your proposal on the last page, portion marked A, you say : " We have already addressed the Government of India on the desirability

of greatly relaxing the rules and practice requiring sanction of the Government of India to local legislation. '' You say ' rules and practice. ' Do you intend to suggest there that the Government of India have in fact added by its practice to the restrictions that are imposed by section 80A of the Government of India Act ?

A.—I am afraid I have used that word ' practice ' rather vaguely. Unless I have the whole thing again before me, and consider the details, I cannot really say.

Q.—You know there are instructions to Local Governments with regard to provincial legislation, instructions from the Government of India ?

A.—Yes.

Q.—I think what was in your mind was that the instructions went further than was really required to enable the Governor General to exercise his statutory control under section 80A ?

A.—It was something vague. I would not be able to define it.

Q.—You are aware probably that the Bengal Government questioned the correctness of the Government of India's interpretation of that section ?

A.—Yes.

Q.—And you are aware that the Government of India's views received support from England ?

A.—Yes.

Q.—And we have communicated that ?

A.—Yes.

Q.—You are also aware that the Government of India are contemplating some steps which will relax the restrictions on provincial legislation imposed by the Act ?

A.—Yes.—At the time I wrote it, we had not received the communication. That is why I have put it like that.

Sir Tej Bahadur Sapru.—*Q.*—Sir Abdur Rahim, in your memorandum which is before the Committee, at the commencement you say :

" There could be no doubt that the demand of Indian public opinion as voiced by many of the influential, thoughtful and responsible exponents of such opinion is for the immediate grant of an entirely autonomous and responsible Government in the provinces and a considerable introduction of responsibility in the Central Government. ''

A.—Yes.

Q.—Then I take it that you do not agree with these influential, thoughtful and responsible exponents of that opinion ?

A.—So far as the situation has arisen in Bengal, I consider the opinions of outsiders are not of much value.

Q.—You do not agree with that opinion ?

A.—No. I agree that the object in view of the Government of India Act must be steadily pursued. I am entirely in agreement with that.

Q.— I want to know whether there are any such influential, thoughtful and responsible men in Bengal also, that is to say, men who hold the opinion from which you differ ? I am not talking of the Swarajists. I should assume that all of them are irresponsible, thoughtless but perhaps it is difficult to assume that they are not influential ?

A.—That is your own language. I do not want to defame people You may have got the privilege of doing it.

Q.—I am asking you whether, from your knowledge of Bengal, both as an official and as a resident of Bengal, there are such people there ?

A.—Yes, there are such people, of course.

Q.—Now, Sir Abdur Rahim, you make 12 suggestions for the improvement of the Government of India Act or the constitution as it is. Assuming that every one of those 12 propositions suggested by you was accepted and the constitution accordingly modified, do you think that would strengthen the constitutional party in Bengal ?

A.—It might.

Q.—Now, I suppose you mean that it would strengthen the constitutional party in Bengal in its struggle with the wreckers, the Swarajists ?

A.—Yes.

Q.—You think it would. What is at the present moment the total strength of the constitutional party in Bengal, roughly speaking in the Council ?

A.—I should say about.....

Q.—20 ?

A.—No, more than that.

Q.—30 ?

A.—More than 40, I think.

Q.—I am applying the test which you yourself suggest, namely the constitutionalists are those who supported the Ministers during the recent debates. I am including the officials ?

A.—But you are not including Europeans.

Q.—I shall include the Europeans also ?

A.—That would be 40 ; I should think it may be a little more. I am leaving out the nominated members.

Q.—I would include the nominated too ?

A.—Then it would be more than that.

Q.—How much would that come to ?

A.—45. Roughly speaking it would be about that. (The Chairman : 46).

Q.—Then what would be the backing which these constitutionalists could command at the next election ?

A.—I should expect more than that, if you amend the franchise. That is part of my scheme.

Q.—Assuming that the franchise was amended as you suggest, do you think that these constitutionalists would increase their number at the next general election or would it still be a difficult task for them to oppose successfully the Swarajists ?

A.—Their number will increase, I believe. But it is after all speculation.

Q.—You think they might be able to oppose successfully ?

A.—Yes.

Q.—You think they would be able to increase their number substantially as against the Swarajists ?

A.—I think so ; that is my estimate.

Q.—Outside the councils what has prevented these constitutionalists from fighting the Swarajists ? Why have they not been able to bring the pressure of public opinion to bear upon them ?

A.—The Swarajists are the party of Non-co-operators and Khilafatists, and they are supported by others too. The Non-co-operators and Khilafatists, you know, are very very strongly organised and the Swarajists have got the benefit of that organisation. During the Non-co-operation wave and the Khilafat movement the supporters of the Government felt rather hopeless and helpless ; and it is by the help of these organisations that the Swarajists have been able to destroy all other parties there, and, as I have said, freedom of speech, public meeting, everything.

Q.—What I want to know is this. Assuming that these 12 suggestions that you make are acted upon, how are they going to strengthen the position of the constitutional party in the electorate, or in the country ? That is what I want to know ?

A.—There is possibility of re-action. That is my idea. There is re-action already against the Swarajists.

Q.—Have you had any evidence of that re-action against the Swarajists in Bengal during the last say 10 months or 8 months ?

A.—You mean in the Legislative Council.

Q.—In the country first and then in the Legislative Council ?

A.—Yes ; among Muhammadans especially.

Q.—And among the Hindus ?

A.—Among the Hindus I have heard lots of people privately speaking against them.

Q.—Supposing your Government were to decide to dissolve the Council to-day, do you think that re-action in Bengal, which you think is springing up against the Swarajists, would have any direct effect on the result of the election against Swarajists ?

A.—Government must choose its time. There must be amendment of the franchise as I have proposed.

Q.—In other words, it comes to this, that if you were to dissolve the council to-day without amendment of the franchise, the Swarajists could not possibly be defeated by the constitutionalists ?

A.—That is so ; that is my calculation.

Q.—Suppose the franchise was amended, would you please tell the Committee how that would weaken the position of the Swarajists ?

A.—Because the Muhammadans will have larger representation and it will be clearly to their interest to organise themselves, for in the spirit of the Government of India Act they will have a chance of running the Government.

Q.—Then it really comes to this, that if the Muhammadans get representation in proportion to their numbers in Bengal, they would be an effective opposition to the Swarajists ? Unless that is done, the Swarajists cannot be defeated ?

A.—That is my idea. Of course there is the process of time ; there is the Calcutta Corporation, we do not know what will happen in consequence of that. There has been the Tarkeswar affair. All that is having an effect on popular opinion.

Q.—The Muhammadans being in a majority in Bengal, under the revised franchise I suppose the Government would have to be run by the Muhammadans ?

A.—I do not know for certain but probably.

Q.—The Swarajists would not join ?

A.—If the Swarajists do not join, there may be other Hindus who will ; the constitutional parties may strengthen.

Q.—What is the position of the constitutional Hindus as against the Swarajist Hindus ?

A.—Their party has become considerably weakened, but if they are really constitutionalists, I take it, they are opposed to the Swarajists.

Q.—Assuming the Muhammadans were in power in Bengal and that they ran the Government, they would have to face opposition ? What opposition would they have to face, the opposition of Swarajists or Constitutionalists, or of the two ?

A.—I am hoping there would be a good many constitutional Hindus with the Muhammadans.

Q.—What is the position now ?

A.—There are some constitutionalists with the Muhammadans. In the last Council there were some.

Q.—Among the elected members ?

A.—Yes.

Q.—Do they carry much weight, these Constitutionalists ?

A.—I suppose so, otherwise they would not be returned.

Q.—That has yet to be tested ?

A.—But they have been returned.

Q.—What chance do you think they will have at the next election ?

A.—It will depend. If the next election is delayed, I should think their chances will increase.

Q.—In your proposal 2 you say the nominated officials and *ex-officio* members shall not vote in matters relating to transferred subjects, and Ministers may refrain from speaking or voting, but are not to be permitted to speak or vote against the Local Government in any reserved matter. Reading this with the subsequent clause in which you want the relations of the Ministers and the Governor to be placed on a constitutional basis, it seems to me that what you really want is to strengthen the transferred half of the Government ?

A.—I hope it will have that effect.

Q.—And will make it a reality ?

A.—Make it more responsible than it is at the present moment from the constitutional point of view. I do not mean that as a matter of fact the Governor has been upsetting the orders of the Ministers. I never meant that.

Q.—That is not my suggestion. Don't you think the effect of this suggestion of yours would be to create dyarchy within dyarchy ?

A.—How is that ?

Q.—The nominated members are not to have a vote in regard to transferred subjects ? The nominated officials and *ex-officio* members ?

(*Mr. Chairman*).—That really means the officials in the Councils.

Q.—They are not to vote in relation to transferred subjects and the Ministers are to refrain from voting ?

A.—That makes it wholly responsible to the Council ; that is my idea.

Q.—And would you allow the Ministers any vote in regard to reserved subjects ?

A.—They cannot vote against reserved subjects, nor can the officials vote against the Ministers in the transferred department.

Q.—Your idea is that it should not be possible for one section of the Government to vote against the other ?

A.—Exactly.

Q.—So far as the official members are concerned, you would not allow them to vote against the transferred half ?

A.—No, because I want the elected representatives alone to run the Government in the transferred departments.

Q.—I should like to ask whether, in a case where the Ministers introduce in the transferred half a Government measure, would you in those cases also not allow your officials to vote ?

A.—No, of course not.

(*Maharaja of Burdwan*).—*Q.*—You would not allow them to vote even in those cases ?

A.—No.

Q.—Speaking of the relations of the Ministers with the Governor, you say that they should be placed on a constitutional basis. May I invite your attention to section 52 (3). How would you modify it in order to give effect to your idea ?

A.—I think the President asked that question.

(*Mr. Chairman*).—*Q.*—I asked that very question, and he said save in regard to law and order ?

A.—What I had in mind in making that condition about law and order was this : take for instance the question of the slaughter of cows and things like that.

Q.—You would give the Governor overriding powers in regard to those matters ?

A.—Yes.

Q.—With regard to communal representation in the services, how would you bring that about ? Take for instance your provincial service, Deputy Collectors or Subordinate Judges, would you lay down certain proportions for the Muhammadans ?

A.—Yes certainly.

Q.—But you expect those candidates to come up to a certain standard ?

A.—Certainly. Pardon my saying so but, if your question implies that Muhammadans are not qualified, I repudiate it. In Bengal at present we have an abundance of qualified Muhammadans.

Q.—Would you recruit them by general open competitive examination ?

A.—Yes in compartments, that is what we are doing now.

Q.—Something like what has been done in the United Provinces ?

A.—We are doing this in Bengal now ; we are holding one common examination and so many men are to be taken from the top.

Q.—The first ten Muhammadans and the first ten Hindus ?

A.—Yes.

Q.—I suppose recruitment in the High Court begins with the Munsiffs ?

A.—Yes.

Q.—So far as Munsiffs are concerned, they are generally taken from men who hold the degree of B.L. ?

A.—Yes.

Q.—Is it your suggestion that there are a sufficient number of Muhammadan B. Ls.' and they are not selected ?

A.—Latterly they have not been selected, and there are a sufficient number.

(*Mr. Chairman*).—*Q.*—Is it not a fact that the High Court in Bengal generally requires a double qualification of M.A. and B.L. ?

A.—I do not think they have any such rule.

Q.—Generally in other provinces you cannot be a B.L. until you are a graduate in Arts or Science ?

A.—It is the same in Calcutta, you can not be a B.L. without being a B.A., but I do not think, so far as I know, that the High Court insist on their being M.As.'.

(*Mr. Chairman*).—*Q.*—I was Registrar there for five years and in those days preference was certainly given to M.A.s.'

Q.—Would it be possible for us to get the statistics of the B.As.' and B.Ls'. both among Hindus and Muhammadans during the last five years ?

A.—Quite easily.

Q.—And also statistics of candidates who applied for Munsiffships and were rejected ?

A.—Of course. But I should like to warn you of one thing ; if you mean the number of Hindu graduates is larger, that goes without saying, but you get a sufficient number of qualified Muhammadans.

Q.—It is obvious if the number of Hindu graduates is larger, the next question would be what was the number of Hindu candidates and Muhammadan candidates who applied for the Munsiffships ?

A.—They would be larger, you may take that from me, but latterly the Muhammadan graduates have not been encouraged to make applications.

(*Dr. Paranjpye*).—*Q.*—Are the candidates for Munsiffships required to have a certain amount of practice ?

A.—Three years, but that is being done away with.

Q.—May I know how these candidates are selected by the High Court ? Is there a committee or is it done by a single Judge ?

A.—I believe a single Judge makes the selection in the Calcutta High Court.....

Q.—It used to be a committee.

A.—Of course you would know better.

(*Mr. Chairman*).—*Q.*—At any rate in my time the Judge associated with himself one English Judge.

Q.—In Allahabad since the last 2½ years there has been a board consisting of one European Judge, one Hindu Judge and one Muhammadan. Before that it was entirely in the hands of a single Judge ?

(*Mr. Chairman*).—In my time it was in the hands of Mr. Justice Rankin.

Q.—You said there was no vote of want of confidence passed against the Ministers. According to my knowledge of the affair—it may be wrong—what happened was that originally a motion was tabled but that was disallowed by the President for some technical reason. Then there was a motion for the adjournment of the House which was talked out.

A.—You mean on the last occasion ?

Q.—I mean in March or February. I think it was February. First of all there was a Resolution sent to the President. The President would not allow it on account of some technical reason. Then there was a motion for adjournment in which the conduct of Ministers was discussed, and that was talked out.

A.—There was a motion in which votes were taken and it was defeated by one vote.

Q.—I am not at all sure whether your memory is right. Anyhow you can ascertain that from the Bengal report.

(*Mr. Chairman*).—We have got the file.

A.—Of course I do not commit myself to the exact wording.

Q.—Nor do I wish you to. Now as regards the Tarakeshwar affair, isn't it a fact that the suit in which the Receiver was appointed was a suit under section 92 of the Code of Civil Procedure—a charity suit ?

A.—I do not know the details of the case but I believe it was so.

Q.—My impression is that it was under section 92 of the Code of Civil Procedure ?

A.—That is my idea also.

Q.—I wish to remind you whether it is not a fact that after the compromise between Mr. Das and three plaintiffs, or rather when the proceedings with regard to the compromise were coming on three more plaintiffs were added ?

A.—Before the filing of the compromise. This is what I gathered from the papers. I cannot tell you from any official information.

Q.—I will explain my point in a word. My point is that the Receiver applied for possession and he was given what is known as a formal or symbolical possession but not actual possession.

A.—But no application was made to the Government by either the Judge or the Receiver—it would officially have to be by the Judge at the instance of the parties,—for any further assistance.

Q.—Your point is that neither the Judge nor the Receiver applied to the Government for assistance ?

A.—Exactly.

Sir Sivaswamy Aiyer.—*Q.*—You said you would like to try the system of dyarchy in a restricted form. It is said that under the present system of dyarchy the minister is looked upon with suspicion and he is generally identified with the Government. Do you think that state of things would improve or get worse if your suggestion were adopted ?

A.—I think that so far as that point is concerned there will be an improvement—at any rate, there ought to be, because they will not be associated it will be understood that they are not associated with the policy of the reserved departments.

Q.—Would you allow the Ministers to disclaim responsibility for the measures taken by the reserved departments ?

A.—Yes, but would not make it obligatory on them to do so by speech or vote.

Q.—Well outside the Council ?

A.—Yes, that is a difficulty which my Government points out. There are those difficulties undoubtedly. There is that risk.

Q.—You say they need not vote or speak for the measure ; but they are prevented from declaring to the public that they have no part in it.

A.—That is so.

Q.—And that difficulty will continue ?

A.—It will become worse I am afraid because they will have their followers and party. What will be their instructions from their party regarding the reserved departments. I foresee great difficulties.

Q.—And they are not in a position to say what takes place in the reserved half of the Government.

A.—That is so.

Q.—Therefore the difficulty will be somewhat aggravated ?

A.—I think given good will it can be worked.

(*Dr. Paranjpye*).—*Q.*—Given goodwill the present scheme can be worked also ?

A.—Yes but it will work more smoothly.

Q.—Then it has also been said that people are generally unable to understand this dyarchy system and they are unable to separate the responsibility of the Ministers and Members. They do not understand what dyarchy is and they hold the Ministers responsible for each and every act of Government. That state of things will also continue.

A.—Not if my scheme is adopted.

Q.—Even if the franchise were extended ?

A.—Not if it is understood that they are in no way responsible for the policy of the reserved departments.

Q.—That is only so far as we are concerned and so far as the constitution makers are concerned, but the ordinary people will not be able to understand that.

A.—If you have that either in the rules or in the Act itself, there is no excuse for any misunderstanding.

Q.—Even now it is clear in the Act and the rules.

A.—No, now you have joint meetings and people say there are joint meetings held therefore the Ministers are responsible for the policy of the reserved departments. If you don't have joint meetings for deciding questions of policy than it will be understood that they are only consulted and take no part in the decision.

Q.—Would you allow the system of joint deliberations between the two halves of the Government—would you continue that ? I understand from your Government's memorandum that the system of dyarchy was worked strictly at first, that after a year's experience it was given up and that it is now being worked more or less by convening joint meetings of both halves of the Government. That is the practice now. Would you continue it or discontinue it.

A.—I would consult them certainly, because they are the representatives of the people. I would consult them very freely.

Q.—And so you would have joint meetings ?

A.—Yes in that sense.

Q.—I mean not for the purpose of decision but for the purpose of deliberation ?

A.—Yes.

(*Dr. Paranjpye*).—*Q.*—What more is it at present ?

A.—They are called in at joint meetings and decision is issued under practically by the majority.

Q.—Would you have the Ministers treated as a collective entity or would you allow the Governor to grapple with each minister singly ?

A.—I would give them collective responsibility.

Q.—Don't you think that if dyarchy were worked strictly, the Ministers might refuse to vote with the Government on measures affecting the reserved half ?

A.—Yes.

Q.—And in fact you contemplate that ?

A.—It is contemplated by the committee itself. They can abstain even now.

Q.—But still they think an obligation lies on them.

A.—Yes because they have to be supported by the official vote.

Q.—If the reserved half fail to support the Ministerial half, or if the Ministers and their supporters—or at any rate a good portion of their supporters—fail to support the reserved half, would it not have the effect of isolating the reserved half and crippling the power of the reserved half ?

A.—There is that risk. The Bengal Government points that out. I quite see that difficulty.

Q.—I mean that point has been put to us and I want to bear your solution.

A.—What our Government has said, there is considerable force in that but I thought that the view which I have expressed might be considered also by the Committee. That is why I put it forward.

Q.—While on the one hand your scheme will have the effect of a clear demarcation of responsibility, on the other it might still place the reserved half in a very awkward position sometimes.

A.—The reserved half can always support itself—I mean protect itself—under the Act.

Q.—True, but still the frequent exercise of those exceptional powers is not desirable.

A.—But it is not considered to be exceptional, it was not meant to be exceptional.

Q.—That I know, but still the use of those safeguards too frequently is not likely to make the Government popular.

A.—I am not inclined to think always of extreme cases and don't know why people should always be unpacked to go to extremes.

Q.—Unfortunately we have to reckon with people who are not as reasonable as ourselves.

A.—What I meant is this. The present situation is a very difficult one. The difficulties had not arisen before to that extent or anything like it. I mean the whole thing is the creation of one particular party.

Q.—But if their demands were conceded, it might make them more reasonable—these extremists.

A.—Well what about the administration ? If I ask for a thing and you give it to me, I shall of course be satisfied for the time being at least. We are not asked to look at things from that point of view merely.

Q.—But you see at present the energies of these people are all diverted to this question, engrossed upon this question of getting more power from the Government and greater responsibility ; they are not devoted to any constructive schemes at all.

A.—My position is this, we have got very considerable powers in the Government of India Act. In my opinion, if there is such a thing as the English point of view or the official point of view different from that of the people, Indians are in a position to enforce the people's point of view in almost everything. If we have not utilised the powers fully, it is entirely our own fault. I say you have got considerable powers under the Act, why not utilise them ?

Q.—I am not questioning that statement with which I agree, but what I wish to put is this. At present the people who are dissatisfied with the present regime go on agitating and do not turn their energies to really useful things or to constructive work but divert their own attention and succeed in diverting the attention of the country to agitation for the purpose of getting more responsibility. That is a fact to be recognised.

A.—It is.

Q.—And therefore if larger powers or responsibility were granted, it might put a stop to this kind of undesirable agitation and activity.

A.—I don't think it will.

Q.—Now one of the difficulties in the way of our progress towards responsible government has been said to be the want of party organisation. At present the chief contest is between the Government on the one side and the politicians on the other side. It has been said there is no other party in the country. Now if responsible government were granted, do you not think that it would help to form parties on a proper footing. Would it not help towards the formation and consolidation of parties ?

A.—It is still extremely problematical that we shall be able to secure a stable government from what I have seen there. Besides we are aiming at something like a democratic form of government ; if we do not secure that, we may be securing merely a sort of autocratic form of government.

Q.—But the fact that there is no irremovable government in power against you and that you can turn out any government and be at any moment called upon yourself to assume responsibility, would that not be a factor promoting political party organisation ?

A.—I should submit this to the Committee : Why merely speculate ? Why not proceed upon experience ? What difference would it make if you have to wait a few more years ? Why should we be in such a hurry ? Why should I want to see everything and not leave it to my children also to do something ?

Q.—But the thing is that so many people seem to be in a hurry and they all seem to be quite mad about it ?

A.—I do not think in a serious matter like this when you are experimenting in a new form of government something quite novel to the country, you should hurry ; it is too important a thing be in a hurry about.

Q.—How long would you allow this experiment to be tried ?

A.—I suggest two more councils.

Q.—That is to say, it would take us to 1932, would it not ?

A.—Yes ; I think under the statute a commission is coming out in 1929 ; if it is provided for like that I would not stand in the way of that, of course.

Q.—You would wait for three more years after the inquiry in 1929 ?

A.—Let there be an inquiry in 1929.

Q.—It looks as if you would put it later ?

A.—I had no idea of doing that ; it is merely a rough indication of the necessity for further trial.

(*Sir Arthur Froom.*)—Perhaps when you talk of two councils you take the present council into account ?

A.—Yes.

Q.—You said two more councils ?

A.—I do not want to stand against the proposed statutory commission.

Q.—You have adopted a separate purse as against a joint purse more to remove the suspicion that the reserved departments are unduly favoured ?

A.—That is the main idea.

Q.—It is more to remove the possibility of a suspicion in the popular mind ?

A.—Yes ; I ought to say that it is possible that if you give them certain sources of revenue they may be able to develop them, if it is understood by the council that the proceeds will be devoted solely to the transferred departments.

Q.—Would you leave them with the revenues arising from the transferred departments or would you supplement it by other sources of revenue also ?

A.—I am afraid I am not enough of an expert in financial matter to discuss that properly.

Q.—You know there was a discussion in 1918 and the Government of India recommended a separate purse and there was a great controversy about it and the Joint Select Committee decided in favour of a joint purse ?

A.—Yes.

Q.—In paragraph 10 (*b*) you say you are against special constituencies ; you say it seems to be wholly indefensible that the landholders, the most influential classes in Bengal and the Indian millowners and merchants and traders should be provided with some special constituencies ; you would abolish the representation of landlords ?

A.—Yes.

Q.—Apparently the Government seems to consider them the bulwark of stability in the government ?

A.—They have failed us miserably this time, I am afraid. But my point is not that ; it is absolutely unnecessary and it creates suspicion among the general public that they are unduly favoured ; in Madras the Zemindars are very few, but in Bengal they are a very large number and they can come in through these constituencies ; there are a very large number of them in fact in the Bengal Council.

Q.—Are the majority landlords ?

A.—I believe so.

Q.—Do they include tenure holders also under that head and sub-tenure holders ?

A.—I cannot answer that offhand, but there are so many petty zemindars.

Q.—As plenty as blackberries ?

A.—Yes.

Q.—You would not give them special representation ?

A.—No, because it is wholly unnecessary and it looks like favouring a class, that is all.

(*Sir Muhammad Shafi*).—Because they have sufficient influence to come into the councils from the general electorates ?

A.—Exactly ; and there is as a matter of fact no need for it.

Q.—You speak of Indian money-lenders ?

A.—I do not say that landholders should not be adequately represented. They are, as a matter of fact.

Q.—You would not disqualify them ?

A.—No. They do not want special representation at all.

Q.—But is there any special constituency for Indian money-lenders ?

A.—Yes. The Mahajana Sabha, the Bengal National Chamber of Commerce.

Q.—Mahajana Sabha means simply an assembly or collection of people ?

A.—The Marwari Chamber of Commerce ; they are as much money-lenders as merchants and traders.

Q.—Do you not think a large number of Ministers have taken to industries ?

A.—Some of them have.

Q.—Would you abolish the representation of the Bengal Chamber of Commerce ?

A.—Europeans ?

Q.—Are there not separate constituencies for Europeans and for the Chamber of Commerce ?

A.—I take it that it is considered necessary and I myself think it is very necessary that Europeans should be adquately represented. The Bengal National Chamber of Commerce, Marwari Chamber of Commerce, Mahajana Sabha, have all apparently been given special representation on the ground that the Bengal Chamber of Commerce which consists of Europeans has been given representation. As regards the representation of Europeans, it is not because they are merchants belonging to a particular chamber that I should like them to be represented, but because they are a separate non-official community which has got very large interests in the country and I also consider that for advancement of responsible government in Bengal their presence in the council is extremely helpful.

Q.—In your conception of a proper scheme, would you allow Europeans to come in through their own general constituency or through a special commercial chamber of commerce ?

A.—I should prefer their own general constituencies.

Q.—Through a general European constituency, I suppose ?

A.—Yes ; but they have not at present got any general European constituencies.

(*Sir Muhammad Shafi*).—It is because the Bengal Chamber of Commerce provides you with a ready made constituency for the election of Europeans that you would have it ?

A.—It is only a question of the most convenient way of representing them ; I would leave it to the non-official European community to decide it.

Q.—My recollection is in Madras we have a general European constitueney ?

A.—These are the constituencies they have get in Bengal. The Bengal Chamber of Commerce Indian Jute Mills Association, Indian Tea Association, Indian Mining Association, Calcutta Trades Association—I do not think they have any other.

Q.—Is there no general European constituency ?

A.—No.

Dr. Paranjpye.—I will not detain you long, Sir Abdur Rahim. I just want to ask one question about the vote that was passed about the Ministers' salary. You appeared to say that all those who voted against the Ministers were wreckers, did you ?

A.—They have wrecked the constitution.

Q.—But my point is that several of them voted on that side because they were against the Ministers personally ?

A.—Surely they had other means of shewing it.

Q.—What other means would you have suggested ?

A.—There were the demands for the transferred departments.

Q.—That was passed last time ?

A.—No, no ; this very time.

Q.—Would you say, for instance, that an ex-minister was a wrecker ?

A.—Well, I have to, judging by the action ; I do not want to make any general remark against him or any particular person.

Q.—He specially mentioned in his speech that he voted thus because this was the only way in which he could show his opinion about the unconstitutional conduct of the Ministers ?

A.—I do not agree with him.

Q.—That is how he explained his vote, at any rate ?

A.—I should myself have attached more value to the effect of the vote itself.

(*Sir Muhammad Shafi.*)—*Q.*—Do you think that genuine supporters of the constitution would combine with the wreckers of the constitution except for the purpose of getting rid of the Ministers ?

A.—You mean only to get rid of the Ministers ? No the destruction of the constitution was, however, a direct and obvious consequence of that vote ; I do not care what the intention was ; you cannot find it and I do not want to speculate about it.

Q.—The Ministers' salaries were refused in March ?

A.—Yes. On the last occasion in March. I don't exactly re-

member. In March or February—something like that.

Q.—Don't you think the proper constitutional procedure then would have been for the Ministers to resign when their salaries were refused ?

A.—The salaries were refused altogether and the Ministers took the view on the first occasion that the whole thing was unconstitutional.

Q.—But don't you think that was an unconstitutional view ?

A.—That vote was not given on the basis of no-confidence in the Ministers.

Q.—Refusing the salaries was the most effective way of showing want of confidence ?

A.—Excuse me. When the vote was moved, all the principal speeches that were made, made it absolutely clear that it was not meant against the Ministers personally but in order to destroy dyarchy. That was the tenour of the speeches.

Q.—But you have just told us that you consider the vote more effective than any speech. In the case of an ex-Minister you have just told us that you do not attach any importance to the speech that he made but to the vote that he gave. Well now, I think you should also consider the votes cast as a far more effective expression of opinion than any speeches made.

A.—Yes, but in the one case the speech and the vote were inconsistent. In the other case, the speech and the vote were consistent. That is the difference. That is what I meant.

Q.—You might say that it is inconsistent, but some people might say that the Governor should have appointed some other Ministers and then they would have got the majority ?

A.—But that was not the issue.

Q.—You may think that was not the issue, but they were not given an opportunity of voting on other issues ?

A.—But you have to deal with intelligent men, those who understand the Act.

Q.—Well, now, as regards the Ministers, according to your scheme, you want the Ministers to be entirely divorced from reserved subjects. Now, I put it to you that these Ministers will generally be the leaders of their parties ?.

A.—Certainly.

Q.—The party is not only for the administration of transferred subjects but also of reserved subjects ?

A.—No.

Q.—The party is for expressing public opinion not only on transferred subjects but also on reserved subjects ?

A.—Yes, not for administering those subjects but for expressing public opinion.

Q.—The party therefore would expect their leaders to guide them on all points ?

A.—That is true.

Q.—And therefore when a question relating to a reserved department comes up before the Council, the members of that party would naturally look up to these Ministers for advice ?

A.—That is the difficulty—as I admitted to Sir Sivaswamy Iyer.

Q.—How would you propose to get over it ?

A.—Well, I should consult the Ministers very freely, and I take it the reserved departments will give due weight to the advice of the Ministers.

Q.—I am not talking of what happens within the Government ?

A.—I am hoping the difficulty will not arise frequently.

Q.—Unless, therefore, the Executive Council always accepts the opinion of the Ministers, the Ministers would have to advise their followers to oppose Government ?

A.—Of course, you are putting a hypothetical case. Difficulties will arise. Perhaps from that point of view, the scheme of my government is sounder.

Q.—Well, then you say a certain proportion of appointments should be reserved to the various communities ?

A.—Do I say that in my memorandum ?

Q.—No, but you said that in reply to various questions. Now, what kind of appointments are you thinking of ? Appointments that carry responsibility like, for instance, the Imperial Services or the Provincial Services, or the Judicial Services, or anything like that ?

A.—Yes.

Q.—Do you include in it also the clerical staffs of these various officers that don't carry any responsibilities ?

A.—Certainly.

Q.—How do you propose to recruit for these ? By means of a common examination ?

A.—That is the practice in regard to the Provincial Executive Services.

Q.—Reserving percentages for different communities ?

A.—Yes.

Q.—Would you reserve the full proportion according to population for each community or have a certain number to be competed for openly by all and then reserve a certain proportion not exactly according to the population ?

A.—The practice now in Bengal is to have a common examination and then allot certain appointments according to the position in the list, i.e., a certain number of appointments to the first few, and if you find that the communities are duly represented, then no further question arises. Supposing one community is not represented in the first dozen, then you take from among the others according to their positions in the list, qualified candidates of that country.

(*Mr. Jinnah*)).—Would you allow me to put one question ? Then, do you agree with this opinion that there should be a number fixed by statute—for the services ?

A.—Oh no. I won't go so far as that.

Q.—With regard to franchise—you talk about franchise but I think you are meaning the distribution of the seats ?

A.—Yes. I think your criticism of my language is right.

Q.—You don't contemplate an extension of the franchise itself ?

A.—Not at present.

Q.—Well, now, will you kindly tell us how the transferred departments are actually managed just now ?—Of course the Governor is supposed to manage them—but how are they actually managed ?

A.—They have been distributed among the Members of the Executive Council and we give our advice to the Governor.

Q.—And the orders are in the name of the Governor ?

A.—I believe so—I have not seen how the orders are issued, but it must be so.

Q.—What is your opinion about the proposal made to us by another witness about requiring every Member of the Legislative Council to take an oath of loyalty to the constitution ?

A.—It won't improve matters. I should think it is implied in the present oath.

Q.—It is not implied at present ?

A.—I should think so. Depends on what you mean by constitution. If you mean modification of the constitution, I think it would be wrong to administer such an oath.

Q.—Suppose a Court duly constituted were to declare that such and such a Member is going against the spirit of the constitution and trying to wreck the constitution, then he should be warned ?

A.—I don't think it will do much good.

Q.—Well, you have suggested that the Ministers should have joint responsibility. I suppose you understand that, if the responsibility is to be joint, the Ministers themselves must be appointed by consultation with each other ?

A.—I think the Governor will know which is the strongest party. He will call upon the leader of that party to form the Ministry.

Q.—Do you contemplate the appointment of a Chief Minister who is to select his Ministers ?

A.—Practically it will come to that.

Q.—Do you think the system adopted by Lord Willingdon in Madras is a desirable system ?

A.—I think on the whole if you are to work responsible government, strictly speaking, that is the system.

Q.—It is just possible, of course, that the Governor might indicate to the Chief Minister that he should have both the larger communities represented in the Ministry. That is a hint he might give to the Chief Minister ?

A.—Yes, but if he found one community in his party sufficiently strong so that he could work without any representative from the other community, he would go on like that.

Sir Arthur Froom.—Q.—Sir Abdur Rahim, in the beginning of your memorandum you stated to this Committee that the first Council acquitted itself creditably. That is so, isn't it ?

A.—Yes.

Q.—Then you go on to point out that troubles came upon it by reason of financial difficulties or want of sufficient money. That is no commendation of the scheme of Government called dyarchy ?

A.—Most certainly not.

Q.—Well, now, I am only going to keep you just one minute. I am going straight to your present troubles in your Council, which of course,

I understand, are chiefly due to the Swaraj Party. I think you went on to say that the Independent Nationalists, who perhaps might be regarded as not holding such extreme views as the Swaraj Party, have joined up with the Swaraj Party ?

A.—Yes, from the very commencement.

Q.—Could you give the committee any reasons why they did so or what induced them to do so ?

A.—I don't think their creed really differs at all from that of Swarajists. The Independent Nationalists in Bengal are mostly composed of men who took up a very extreme attitude in the last Council. They naturally have drifted into the Swaraj Party.

Q.—I see. And apart from the Swaraj Party, with which we may now take it the Independent Nationalist Party is combined, there is no very strong combined party in your province. The combination of any other party is not a good one ?

A.—No, not a very strong combination.

Q.—Well, now, can you tell this committee what keeps the Swaraj Party together. Is it money ?

A.—Yes it is money. That is one thing. They have inherited and are helped by the organisations which were set up by the Non-co-operators and the Khilafatists and other Extremists. Well, they are supposed, at any rate Mr. C. R. Das, himself said in Council that some of the Agents of his Party were men who had been found by the Committee appointed under Reg. III to be members of revolutionary conspiracies. He however, said that he knew them very well and was certain they were not revolutionaries and were not concerned in any conspiracy.

(*Mr. Chairman*).—*Q.*—We were told, I think, by a witness before that the binding force in the Party was dislike of the British Government. Do you agree with that view ?

A.—Yes, extreme distrust and dislike.

Q.—Would the committee be right in saying that connected with the Swaraj Party is a certain amount of terrorism ?

A.—Yes, that is the general belief.

Q.—And therefore you have got opposition to the Government in Bengal accounting from terrorism—or party accruing from it ?

A.—The situation is very much influenced by it.

Q.—And you consider that ought to be put down ?

A.—Certainly.

(*Mr. Jinnah*).—*Q.*—Then you think there is absolutely no reason or ground for the distrust of the policy of the Government ?

A.—Do you mean any particular policy—for not liking any particular policy ?

(*Mr. Jinnah*).—*Q.*—You say it is due to distrust and dislike of the British Government ?

A.—General distrust.

Q.—Is there no foundation for it ?

A.—Certainly not,—not for general distrust.

Thursday, the 23rd October 1924.

The Committee met in the Committee Room B of the Legislative Chamber at three of the clock after lunch, Sir Alexander Muddiman in the Chair.

Witness :—Mr. A. Marr, Financial Secretary to the Government of Bengal.

EXAMINED BY THE CHAIRMAN.

Q.—I think you were Financial Secretary to the Government of Bengal and you still are ?

A.—Yes.

Q.—How long have you been so ?

A.—Five years.

Q.—That covers the whole period of the reforms ?

A.—And before ?

Q.—Who were the Finance Members during the reforms scheme period ?

A.—Sir John Kerr and Mr. Donald who is the present member.

Q.—You have always had a civilian member in charge of the Finance Department ?

A.—Yes.

Q.—There is nothing in the rules which requires that ?

A.—Not as far as I know.

Q.—The rules say, I think, that the department should be in charge of a member of council ?

A.—Yes.

Q.—Can you tell us what other departments Mr. Donald has in his charge ?

A.—You mean apart from transferred subjects. He has certain transferred subjects at the moment. On the reserved side has only commerce and marine.

Q.—Are they spending departments ?

A.—Marine is practically altogether for the Government of India. Commerce is a small spending department. They have got factory inspectors.

Q.—Practically speaking Mr. Donald has no object in robbing other people's hen roosts for spending on his own departments ?

A.—That is so.

Q.—It has been suggested in other evidence that the Finance Member would be prejudiced in favour of his own department but if his departments are not spending departments, the question does not arise and it has not arisen in Bengal ?

A.—No.

Q.—Is there a Joint Financial Secretary in Bengal ?

A.—No.

Q.—All financial cases come up to your department ?

A.—Yes.

Q.—Are they all treated alike ?

A.—All alike.

Q.—When a financial project comes up, do you look at it from the point of view of policy ?

A.—To a certain extent if it seems to the Finance Department that the scheme is not worth spending money on.

Q.—I do not quite understand what you mean. I have a project for homes for infirm cattle. That seems to me a very important object. Would you criticise it on the ground that it was not ?

A.—I would.

Q.—What is your test, that the expenditure is unremunerative ?

A.—Not necessarily. The expenditure may not be remunerative but still it might be worth spending money on the scheme.

Q.—What is your criterion ?

A.—It is rather difficult to lay down a general rule. We have to examine each case. For instance it was proposed to send a man home to learn how to make glass and we raised the question whether, even if they did get the man trained, glass could be manufactured in Bengal. We sent the case back on that ground and we have never seen it again.

Q.—They accepted your view ?

A.—Yes.

Q.—It is a very good case but if they had not accepted your view ?

A.—Then we would have forced the thing to go to the Governor.

Q.—You would have ?

A.—Yes.

Q.—It was a transferred subject ?

A.—Yes.

Q.—The department concerned might say ' we do not care a rap what the Finance Department say ; let the case go up ' and then the matter will go to His Excellency ?

A.—Yes. It will be for His Excellency to decide. If His Excellency decides in favour of the Minister the Finance Department would agree to the expenditure.

Q.—It rests entirely with the Governor ?

A.—Yes.

Q.—In your time can you recollect many instances of the transferred departments being over-ruled in that way ?

A.—Not so much on the question of policy.

Q.—Let me make my point clear. You have been Financial Secretary throughout the reforms. Can you recollect many cases where Ministers have taken views opposed to the Finance Department and the Ministers have said ' We are not going to accept that. We shall go to the Governor and over-rule the Finance Departmennt ' ?

A.—Only in one case.

Q.—Can you tell us what it was ?

A.—The Minister for Local Self-Government wanted money for a Kala Azar campaign. He laid down no scheme whatsoever and we wanted to know what machinery he was going to set up to spend this and on what lines he was going to work. He had no scheme and we turned it down. That went to the Governor and the Governor said that

it was important enough for the scheme to be admitted and that the Minister could work out his machinery later on.

Q.—Then the Finance Department was turned down ?

A.—Yes.

Q.—Although you oposed it you were defeated ?

A.—Yes.

Q.—The Minister's view prevailed ?

A.—Yes.

Q.—Can you recollect any converse case in which the Finance Department's view was upheld ?

A.—Number of cases. I could not say how many. Quite a number of cases.

Q.—It is a common thing in Bengal for the Minister to be turned down ?

A.—It is fairly common.

Q.—What do you attribute that to ?

A.—It is altogether due to the fact that the schemes were not properly worked out. Undigested schemes were sent up.

Q.—Don't you think that if you had a Joint Financial Secretary he would be able to advise the Minister to avoid these difficulties and send up schemes properly worked out ?

A.—That would mean having two men to do one man's work and therefore both the Financial Secretary and the Joint Financial Secretary would have spare time to.....

Q.—To turn down more schemes ?

A.—No, to lead the schemes through the straight and narrow path.

Q.—As to the question of money, would you say that the transferred departments have come off well in the scramble or not ?

A.—I think on the whole they would come off well if they had schemes ready.

Q.—Have you got any figures to show the expenditure on the transferred departments before the reforms and after ?

A.—I have not got the figures before me. It has increased a great deal. I have with me the present expenditure.

Q.—Could you give us a rough idea whether it has increased or decreased ?

A.—It has increased considerably.

Q.—And the reserved departments ?

A.—They have also increased.

Q.—Is the ratio of increase greater in the reserved or the transferred side ?

A.—In the transferred.

Q.—The Ministers generally have had rather more than their share of the money ?

A.—I would not say that. The increase of expenditure has been to a great deal due to revision of pay.

Q.—That would be a normal increase affecting both sides. Setting that aside can you tell us whether the expenditure on the transferred side has increased ?

A.—The transferred departments have certainly got a good deal more than in pre-reform days.

Q.—Apart from the normal increase, do you think that the existence of the Ministers and the pressure of the Legislative Council are responsible for securing to the Ministers more money than they would have got had they been Members ?

A.—Yes.

Q.—When schemes from the reserved side and the transferred side are brought before you, do you approach them with the same mind ?

A.—Absolutely.

Q.—You do not make any difference whether the person concerned is a Minister or a Member ?

A.—No.

Q.—Will your Honourable Member do the same thing ?

A.—I think so, because he has no interest to serve.

Q.—You do not feel any bias in favour of the Minister ?

A.—No.

Q.—On the ground that he is more vulnerable or on the ground of criticism ?

A.—No.

Q.—In fact you look at things from a purely judicial point of view ?

A.—That is what we try to do.

Q.—You do not approach questions with party prejudice ?

A.—No.

Q.—There has been a suggestion—I think your Member suggested it this morning—that although it might not make much difference in the actual distribution of the money, yet it would be an advantage from the point of view of meeting criticism that there should be a separate purse. What is your view ?

A.—From the Finance Department's point of view, there is no objection whatever. It would not raise any difficulties.

Q.—Would it raise any difficulties with the Government of India ?

A.—No.

Q.—Supposing for instance we recommended that those provinces which wanted a separate purse could have one, will that raise any general financial difficulty ?

A.—The first charge is revenue ; it will have to be paid first ; and then the allocation, whatever is decided upon, would then come into force.

Q.—Therefore if Bombay said that they would have a joint purse and Bengal said that they would have a separate purse, there will be no difficulty ?

A.—There will be no difficulty from the budget point of view.

Q.—There will be no difficulty in your own department ?

A.—No.

Q.—I suppose you have a Finance Committee ?

A.—No, we have no Finance Committee.

Q.—Why is that ?

A.—We have separate Committees of the Legislature for different departments. For instance, there is a Police Sub-Committee, there is a

Commerce Committee. All important schemes of a particular department go before Committee of the Legislature and we felt that to have a Finance Committee too would mean a clash between two Committees of the Legislature.

Q.—Doesn't all new expenditure go to the Finance Committee ?

A.—We have no Finance Committee.

Q.—Does all your new expenditure go before the Committee attached to the department ?

A.—All important schemes go before the Committee attached to the particular department. They come in the form of schedules. If the Committee pass them, then they are printed, and when the allocation of money for new expenditure is made, these schedules go before the members of Government.

Q.—Members and the Ministers ?

A.—The Members and Ministers sit jointly.

Q.—The united Government ?

A.—Yes.

Q.—Would you in the Finance Department entertain any application for new expenditure before it had been seen by the Committee ?

A.—We simply examine the scheme from our own point of view.

Q.—You do not examine the scheme from the point of view of the Committee ?

A.—No.

Q.—I presume the Legislative Council has a more effective control under the new scheme than the Finance Department had under the old scheme ?

A.—Yes.

Q.—You cannot transfer money from one major head to another major head without their sanction ?

A.—No, not without their sanction.

Q.—Your powers in the Finance Department are regulated by the Devolution Rules ?

A.—Yes.

Q.—Have you had any difficulty in interpreting the rules ?

A.—Finance Department have none.

Q.—Have other departments challenged your interpretation ?

A.—They have.

Q.—With reference to which rule ?

A.—Rule 36 (*g*) (*iii*).

Q.—Has that been the standing trouble ?

A.—Yes.

Q.—It says " It shall examine and advise on all schemes of new expenditure for which it is proposed to make provision in the estimates, and shall decline to provide in the estimates for any scheme which has not been so examined ". What difficulty has arisen on that ?

A.—The difficulty which arises is this. Under our budget programme, all schedules containing schemes for new expenditure for the next year's budget have to be in the Finance Department by the 15th September. Generally about the 10th or 12th September schemes come pouring in from

all departments for these schedules and they think that it is quite sufficient if the scheme is entered in the schedule. It is quite sufficient for section 36 (*g*) (*iii*). We have to point out to them that a scheme has to come in long before the 15th September to give time for us to examine it, and after we have agreed to the scheme, only then can it be taken into the schedule. We issued another circular last year. I have got a copy of it, if you want to see it.

Q.—That is applicable to the transferred and reserved side ?

A.—Equally.

Q.—It is the old story that the Ministers try to rush the Finance Department at the last moment and hope it will go through, but it cannot be done ?

A.—Yes.

Q.—They have got tired of it now ?

A.—Yes, they have got tired of it now.

Q.—Is that the only rule with which you have had trouble ?

A.—I do not remember. I think rule 31 might be amplified a little so as to make it quite clear that it covers not only allocation for the original Budget. We make the allocation in January. Rule 31 lays down the allocation of revenues for the administration of the two sides of Government. I think it should be made clear that this also covers allocation of money which comes in during the year. In July or so we find that we can spare some more money, that we can afford some more schemes. This should also be covered. I think that will make it a little clear.

Q.—Can you give us a case where a scheme has been sanctioned and has not been carried out and the money was idle and then came to general revenues ?

A.—Yes.

Q.—Could you give me an example ?

A.—The Minister for Education wanted money for primary education. We objected and said that he had not any scheme worked out. And after considerable pressure the Government agreed that Rs. 5 lakhs should go into the budget, 3 lakhs for primary education in the Calcutta Corporation and 2 lakhs for the mofussil. In the course of the year, no scheme eventuated. The whole of the 3 lakhs meant for the Corporation had to be surrendered and also out of the 2 lakhs for the mofussil, they surrenderd 1½ lakhs. In the next year we increased it to 75 per cent., and in the present year we added 75 per cent. Still only Rs. 62,000 was spent. It is an example of a scheme which was not properly worked out to begin with.

Q.—That was a case where the transferred department lost money by not having a scheme ready ?

A.—Yes.

Q.—And the money went back to general revenues ?

A.—It went back to balances.

(*Dr. Paranjpye*).—*Q.*—Could it not be re-appropriated ?

A.—There was no scheme ready.

(*Dr. Paranjpye*).—*Q.*—All the scheme that were ready had already been worked out and put into operation ?

A.—Yes.

Q.—If there had been a scheme, the money would not have come back ?

A.—We would have agreed to it.

Q.—There is no financial objection to that ?

A.—No.

Q.—What are your relations financially with the Government of India ? Are the financial relations of the Local Government with the Central Government governed by the Meston award ?

A.—Yes.

Q.—That is embodied in the rules ?

A.—Yes, in the Devolution Rules.

Q.—You regard it as very unfavourable to Bengal ?

A.—The trouble is next year our last of the three years' remission expire in March.

Q.—As a matter of fact at the present moment the Government of India have given you three years' remission. Haven't they ?

A.—Yes.

Q.—What would you have to pay when that remission ceases ?

A.—Rs. 63 lakhs.

Q.—Would that cause dislocation in your finances ?

A.—Yes. As far as I can make out it will leave a deficit of 50 lakhs.

Q.—And that will considerably retard the progress of transferred departments ?

A.—Yes.

Q.—Therefore from the point of view of Bengal you feel that the scheme requires examination ?

A.—Very much so ; we have pressed for a settlement.

Q.—That has been strongly pressed ?

A.—Very strongly pressed.

Q.—That is not the opinion merely of the reserved half of the Government but of the transferred half ?

A.—Most certainly.

Q.—Of the united Government ?

A.—Yes ; Ministers have been very strong on it.

Q.—What is the position of your balances there ?

A.—We have roughly about 1,20 crores.

Q.—We were discussing this question the other day and it was put forward that the Local Governments should keep a running account of their balances with the Government of India ; that is to say they should have a pass book (as you and I have pass books) and have it made up once a month. What do you think of that scheme ? You know you run very largely on the Government of India balances ?

A.—Yes, for certain months of the year. In April, May, June and part of July we run on the Government of India. Then later on the Government of India get the benefit of our money.

Q.—May I take it that on the average it works out faily the square ?

A.—That is so.

Q.—You do not see much advantage in having a running account ?

A.—I do not see.

(*Dr. Paranjpye*).—*Q.*—It might work against you ?

A.—It might.

(*Dr. Paranjpye*).—*Q.*—Do the Government of India charge you any interest for overdrafts ?

A.—No.

Q.—Nor do they take any interest ?

A.—No.

Q.—It is purely a book transaction ?

A.—Yes.

Q.—Speaking purely as Finance Secretary, you see no more advantage to your Province if you were to have the changed system ?

A.—No ; I do not think there will be much in it one way or the other.

Q.—Supposing, Mr. Marr, you had something in this form. As you know that under the law all the revenues of India are received in the name of His Majesty the King—and the Government of India or the Local Government are merely administering the revenue. If you have advance on the lines of Provincial financial autonomy on those lines, wouldn't it be necessary to enable the revenues to be vested in the Local Government ?

A.—It might ultimately, but I think that is a thing that would have to come perhaps as the very last of all, because that involves ways and means budget and I think Local Governments will be very well advised to steer clear of the ways and means budget to the very last.

Q.—You think that no great advantage will accure financially ?

A.—No.

Q.—You are aware of the fact that if they wish to raise loan, the Local Governments have power to raise loans ?

A.—Yes, under certain conditions.

Q.—When a Local Government takes to raising a loan it is not raising a loan on its own credit ; it is raising a loan on the general credit of Government ?

A.—Yes, ultimately probably that would have to be changed if there was complete provincial autonomy, if that came into force.

Q.—The point I am trying to make is that if you wish to advance on the line of financial provincial autonomy, you must come to a point where the Local Government will be vested with their own revenues and be liable for their own expenditure. From the financial point of view, how would that affect you in Bengal ? Suppose all the property of the Bengal Government and all the Bengal debts and charges were held against that property, how would you stand ?

A.—Supposing we got a revision of the financial settlement and our ordinary revenues were not bankrupt, the Bengal Government would stand all right.

Q.—That is to say you wish to be put in a solvent position before you are put in this position ?

A.—Yes.

(*Sir Arthur Froom*).—*Q.*—Supposing Bengal is in a solvent position, would you have to pay a higher rate of interest on your loans, backed by the Bengal Government instead of the Government of India ?

A.—No, I do not think so. We would certainly get loans on as good terms as the Corporation do.

(*Mr. Jinnah*).—*Q.*—The Corporation have to pay more ?

A.—A little more, and that is because they have borrowed up to the hilt. The Improvement Trust get good terms.

Q.—It seems to me important that in considering this question of provincial financial autonomy, you have to consider the relations of the Local Government and the Central Government. Have you ever made a study of it in any other part of the world ?

A.—No.

Q.—Has it ever been considered in your Government from that point of view ?

A.—No, not as regards the financial result.

Q.—Do you see any inseparable objection to the rule which requires the person in charge of the Finance Department to be a Member of the Government ? Could you contemplate the possibility of a Minister being put in charge of finances ? Supposing you had a Minister on the transferred side who had had experience of finance, considerable experience, would you see any objection to putting him in charge of that department ?

A.—No, I do not think so.

Q.—Do you see any constitutional difficulty in the matter ? The rule requires he should be a Member of the Executive Council ?

A.—One can imagine a retired Accountant General becoming a Minister.

Q.—Or a Dewan in a Native State with large experience ?

A.—Rule 36 of course lays down that he should be a Member of the Executive Council. I cannot see any constitutional difficulty at all.

(*Dr. Paranjpye*).—*Q.*—Any administrative difficulty ?

A.—No, I do not think so.

Q.—It has been pointed out to me that rule 49 might stand in the way of it. My point was that, apart from the fact that the man in charge of the Finance Department must be a man of experience, do you think it would make any difficulty if the man were equally qualified, whether he was a Minister or a Member ?

A.—I cannot see any difficulty.

Q.—I will put it the converse way. Do you think the fact that a Member is in charge is prejudicial to the transferred half ?

A.—Not in Bengal.

At this stage Sir Muhammad Shafi took the Chair.

Sir Muhammad Shafi.—*Q.*—The Chairman asked you how long you had been Financial Secretary ?

A.—Yes, five years.

Q.—That means from the inception of the Reforms ?

A.—From November 1919.

Q.—Do I understand you to say that from the inception of the Reforms, up to date there has been only one case in which the Governor has overruled the Finance Department and decided in favour of the views held by the Minister in charge ?

A.—Yes.

Q.—While, on the contrary, there have been many cases in which the Finance Department's view has prevailed as against the Minister's views ?

A.—In most of those cases of course they never went to His Excellency at all. In most of those cases the Minister accepted what we said.

Q.—Even assuming that the majority of the cases in which ultimately the Finance Department's view prevailed were cases which did not reach the Governor, there were a large number of cases which did actually go to the Governor and in which the Governor decided in favour of the Finance Department ?

A.—I would not say a large number ; I would say a few cases.

Q.—As against one in your favour, how many, 20 ?

A.—Oh no, I cannot say personally, a Minister might have spoken to the Governor about a case, but His Excellency told me there were very few cases in which the Ministers had come to him.

Q.—Let me read to you a passage from the first reform despatch of the Government of India, paragraph 74, with regard to the functions of the Finance Department. It appears from this paragraph that the Bengal Government at that time too were somewhat nervous about this matter. Dealing with that the Government of India said :—

> " The Bengal and Bombay Governments, however, have shown some nervousness on the point, and in order that there may be no misunderstanding, we may explain briefly what we understand to be the functions of the Finance Department or Treasury. It is in no sense an overriding power ; It is not a body that either dictates or vetoes policy. It watches the financial provisions which are needed to give effect to policy ; it criticises proposals and can ask for further consideration. It points out defects in matters of assessment and collection ; it can demand justification for new expenditure from the department which proposes it ; it can challenge the necessity for spending so much money to secure a given object ; but in the last resort administrative considerations must prevail."

And now let me read to you next what the functions Committee said in paragraph 74 of their Report with regard to the position of the Finance Department :—

> " In accordance with the proposals contained in paragraphs 24 to 27 of the memorandum (the memorandum which was submitted to them), the Finance Department will be reserved department and will not be transferred to the control of a Minister. In relation to transferred departments, however, the functions of the Finance Department will be to advise and criticise ; the final decision will rest with the Minister, subject to the assent of the Governor, which would only be refused when the consequences of acquiescence would clearly be serious. We agree that this is the best arrangement."

Do you think the picture you painted to us to-day of the position of the Finance Department in Bengal in its actual working tallies with the picture drawn here ?

A.—Exactly. Our opinion is only advice and the Minister or the Member had always the right to go to the Governor.

Maharaja of Burdwan.—*Q.*—I think you said in answer to the Chairman that Mr. Donald had no spending department under him ?

A.—No.

Q.—But I think since my departure he has got a big spending department in the shape of European education ?

A.—No.

Q.—Who has got that ?

A.—Sir Abdur Rahim I think.

Q.—The Finance Member of your Government is, I think, the member in charge of European education ?

A.—I may be wrong.

Q.—You would prefer yourself the Finance Member not having a spending department ?

A.—Certainly.

Q.—What would be your view if the gentleman in charge of finance did not happen to be a member of Government ? Could you visualize that position ? It was suggested by one Minister before us that he would prefer a Financial Commissioner and was not a Member or Minister of the Government ?

A.—That proposal has been made, that the officer in charge of the Finance Department should be outside the Cabinet altogether.

Q.—Do you think if in your Province your superior officer was called a Financial Commissioner and was not a Member or Minister of the Government, it would be difficult to work ?

A.—I think his opinion would not carry the same weight at all if he was not a Member of the Government. I do not think he would have the same influence at all.

Q.—On the other hand do you think he would be less biassed as it has been put to us ?

A.—As long as the Finance Member is not in charge of any big spending department, I do not see why he should be biassed.

Q.—Supposing in the case I pointed out. I have not the papers here, but I do remember the Governor sending me a telegram saying European education had been transferred to Mr. Donald ?

A.—Then I consider that is an objection.

Q.—Not because it stands with Mr. Donald, but because Mr. Donald happens to be Finance Member ?

A.—Yes.

Q.—Now regarding this difficulty that has from time to time arisen between the Finance Department and the Ministers can you give us any instance where a scheme was turned down when the scheme was ready ?

A.—No. We had no power to turn down a scheme that had been properly examined and sent to us for examination and approval.

Q.—But you know that a good deal of complaint was made by one or two Ministers, specially the late Minister for Education in the last

Cabinet that many schemes could not be put forward because they were turned down by the Finance Department. Now do you think his complaint was based on a misconception of what the procedure was ?

A.—It was based to a great extent on a misconception of what the procedure was.

Q.—Could you kindly give us an idea of what the misconception as to procedure was, as a great deal has been made of that point by ex-Ministers from other provinces.

A.—The misconception was—for instance I remember one case sent up by another Minister asking the Finance Department " Is there any chance of their being funds for this scheme ? If not, I do not propose to examine it at all." Now we considered that was the wrong thing altogether. They should frame their policy and frame schemes in furtherance of their policy and get them properly examined by the Finance Department quite independently of the question of funds, so that if funds do become available later on the scheme is ready.

Q.—For instance you gave us a very good instance in which the Governor overrode the Finance Department over the general provision for a campaign against Kala Azar. Now don't you think that Ministers very often may like to have a lump sum of money for a particular scheme—well, not scheme but for a particular object for which they may formulate schemes after the money has been provided in the Budget. Now in cases of that kind, don't you think that the Finance Department could give more facilities to the Ministers in this sense that a certain amount of money (as was done in the Kala Azar campaign) could be put into the Budget. But of course the Finance Department could object to the expenditure until an actual scheme was put forward ?

A.—Well we did provide for that in the circular. Might I read just the very last paragraph. We explained here shortly the Budget procedure and in the last paragraph I suggested :

> " This is the normal procedure and if it is felt by all departments there should be no occasion for complaint but occasions may arise from time to time when a department which has found it difficult in a particular case to comply with the rules may desire an exception to be made in its favour. The proper course then is for the facts to be explained briefly in a note and a request made to the Finance Department for a relaxation of the rules in view of the special circumstances of the case. If the Finance Department is unable to comply with the request the Honourable Member or the Minister should speak personally to the Finance Minister on the subject and if the matter cannot then be arranged it should be referred to His Excellency the Governor."

Q.—Since this circular was issued has it been acted on with good results ?

A.—No case has come up yet.

Sir Arthur Froom.—*Q.*—Have you found yourself in a position where you say 2 or 3 schemes put up by the transferred departments and say 2 schemes put up by the reserved department; and you had these 5 schemes before you at the same time and only money enough for two of them ; if on an examination of the schemes you found them all worthy of consideration from the financial point of view, what would you do ?

A.—We do not allocate money.

Q.—You just recommend ?

A.—We do not recommend either. Each department by the 15th September has to put in a schedule for new expenditure. Then we print them all up. We have our first provisional Budget ready by the 1st of January. From that we know how much money we have available for new expenditure. A meeting is called on the 10th January, and the joint Government sitting round the table allocate money. They decide which schemes are to be taken up. The Finance Department have no say whatever in that.

Q.—You consider whether a scheme should be sanctioned if money is available ?

A.—We simply examine the scheme and when we pass it then it is ready to go into the schedule ; but it is for the Government as a whole to say whether that scheme is to go into the Budget. The Finance Department have no say in that.

Q.—Then any complaints that a Member or Minister may make against you is simply a question of your opinion on an examination of their scheme ?

A.—Yes.

Q.—So any complaint regarding the question of allocation of money should not be levelled at your Department ?

A.—No, we have nothing to do with it whatever. It is all settled at a round-table conference at which each Minister and Member is present.

Q.—There have been many complaints against the Finance Department ?

A.—In other provinces possibly. There can be no complaint as far as we are concerned. We make no recommendations whatever as regards the allocation of funds.

Dr. Paranjpye.—*Q.*—I would like you to look at paragraph 5. You say there :

> " In order to arrive at a definite programme of work, His Excellency Lord Lytton, soon after he took over the reins of office, asked each department to draw up a line of policy along which the department would be developed."

What do you mean by the word " department " there ?

A.—That particular department.

Q.—Not the Member in charge or the Minister in charge ?

A.—If say it is Agriculture, that particular department.

Q.—Not the Minister, or in the case of a reserved department the Member ?

A.—Well the Minister would be in charge of the department.

Q.—That is exactly my point. You understand that in the case of reserved and transferred departments there is a distinct difference. You might say the course of reserved departments is smooth and continuous, while in the case of transferred departments their course is so to say discontinuous because every three years there is a change, a new man comes into office ; and consequently while it would be proper for a reserved department to make up schemes because after all there is no actual definite discontinuity of policy in the reserved department there is such a change in the transferred department.

A.—You have a change in the reserved departments also. One man retires another comes in.

Q.—But the whole reserved executive is a unified Government. Here a new Minister comes forward who has his own schemes which may not have occurred or recommended themselves to his predecessors, so that here there is a certain discontinuity.

A.—Yes, there may be.

Q.—So that let us take for instance a time-table for a new Minister who comes into office in January. I take it you won't mind my going into details in this manner.

(*Mr. Chairman*).—Certainly not, Dr. Paranjpye.

Q.—A new Minister comes into office. When he comes into office first of all he is engaged with the Legislative Council and the Budget and probably up to the end of March he has not made up his schemes as he has in the meanwhile to pick up the ordinary routine business. Well, after March when the Council is over he has got time to look about and formulate his schemes. Probably he formulates his schemes roughly. He has got some ideas when he takes office. In order to put these ideas on paper he probably has to consult the heads of departments. Those heads of departments probably have to consult the higher subordinate officers. You understand that this will all take time. Probably therefore by the 15th September the latest by which you want definitely formulated schemes for the Budget of the next year he will not have any such schemes ready. Consequently in the Budget which is brought before the Council in his second year there will not be many new schemes by the Minister. You understand that ?

A.—Yes.

Q.—Well, that being so, he will be able to make up schemes practically only during his second year, to bring them into a concrete form so as to put them before you for proper examination, and probably after reference backwards and forwards the schemes will be ready for being put in the Budget on the 15th September of the second year. They will be put in the Budget which is submitted to the Legislative Council at the beginning of the third year. Supposing the Legislative Council pass it, then the time possible for this new Minister to bring his schemes into operation will be only about 8 or 9 months, out of which the last 4 or 5 months will be taken up in electioneering. You see under the present regime there is not much time according to the time-table I have roughly sketched for the Minister to make up new schemes or to bring them into operation. Now seeing that you agree with me roughly in this, I want to put to you whether it would not be a great improvement, so far as the position of the Ministers is concerned to allow them to put in the Budget of the second year some lump sum for the carrying out of schemes in his second year, although the schemes have not been brought under examination ?

A.—Well, of course the present rules forbid that.

Q.—I want you to tell me whether it would not be a reasonable way in fact, the only way for the Ministers to show what they have in them ?

A.—If the Minister frames a policy—a good sound policy, his successor may inherit it. Although he himself may not see the benefits of it his successor may. For instance I have quoted one instance here where our first Minister for Education drew up a scheme for panchayat unions

and primary education—a definite scheme with the principles all laid down. His successor inherits that.

Q.—The particular Minister does not see his schemes realised..

(*Mr. Chairman*).—*Q.*—Is it your suggestion that the Minister would always retire at the end of 3 years ?

(*Dr. Paranjpye*).—No, if his policy is a good one he will be re-elected But he has got to fight for re-election on the policy he has been able to carry out, and until the people can see tangible results of that policy there will be a prejudice against him. What I want to find is whether it will not be possible so to alter the rules as to allow the Minister in his second Budget—which is really the first for which he is ready with schemes—a lump sum.

A.—That is fundamentally bad budgetting. I have given you an instance where we were overruled and a lump sum was put into the Budget and out of that 5 lakhs, 4½ lakhs were not spent.

(*Mr. Chairman*).—Your contention is that although it is possible to change the rules it would be financially undesirable to change them. Of course it is possible to change the rules.

Q.—Would it cause any inconvenience to you ?

A.—It would not cause any inconvenience at all. The chances are it will give us savings in hand at the end of the year. That has been our experience.

Q.—And what is the real objection to such amounts being put in the Budget for schemes which have not been properly examined, if you have got the final control to see that the money is not spent until you have finally examined those schemes ?

A.—I have said it is bad budgetting. Our experience has been that that sum is never anything like spent.

Q.—Probably they ask for too much ?

A.—We cannot say without examining the scheme—if they come forward and ask for Rs. 50,000 we cannot say whether it is too much or too little. We have not seen the scheme. Our experience, as I say, is that they never spend anything like a lump sum. Our experience has been that they never spend anything up to the amount of the grant.

Q.—If you want a scheme complete in every detail, although the first draft of the scheme will not be complete in every detail ; yet you could get a rough idea ?

A.—We do not want a complete scheme ; what we want is this : the Minister has got a certain policy and he lays down certain principles ; and these principles should be accepted by government.

Q.—I think your Finance Department wants more than that—they want to know more details, how many officers will have to be employed and so on ?

A.—Take for instance these primary schools : the principles on which such schools could be opened were laid down and accepted ; now they come up steadily month by month.

Q.—Supposing you wanted to start three new high schools ; you would require a complete scheme—how many teachers have to be employed and other expenses ; it will take some time to work out that scheme ; and supposing they simply ask you for 2 lakhs of rupees for the opening of these three new schools, you would not accept ?

A.—No ; because our experience has been that at the end of the year probably one of the three is opened and therefore only about Rs. 75,000 is spent.

Q.—But the Minister will take the responsibility for that ; after all if he fails to spend the money that has been voted it will go so much against him ?

A.—Yes ; but meanwhile his neighbour the other Minister may want money for some other scheme ; it means locking up money which could be usefully used.

Q.—Have you got any objection to sanctioning new schemes and getting grants for them in the course of the year ?

A.—No.

Q.—Departments might lay new schemes of a specially urgent character which were not contemplatd before ?

A.—That all depends on the meetings of the Legislative Council.

Q.—Supposing you have got a meeting in July ; would you like them to bring forward any new schemes then ?

A.—Yes ; we always do.

Q.—Which are not of an emergent character ?

A.—Yes ; if we have any spare money in July, departments are asked to spend in schemes and the same procedure on a smaller scale is gone through as is gone through in January for the main Budget.

Q.—Have you got any general reserve fund in your budget for unforeseen expenditure ?

A.—No.

Q.—In the Bombay Presidency we had in one year 20 lakhs and in another year 15 lakhs.

A.—We cannot afford that in Bengal.

Q.—That is for new expenditure that may turn up which could not be foreseen ?

A.—In July, we have a certain amount of money in hand, because the legislative council in March have not passed the budget as a whole ; they cut down certain heads.

Q.—Therefore you get greater balances than contemplated ?

A.—Yes.

Q.—With regard to the separate purse, I suppose you mean by separate purse that a certain percentage of the total revenue of the province should be put in one purse for the reserved departments and the remainder in a separate purse for the transferred departments ; that is all right so long as the taxation remains as at present ; supposing there is a question of fresh taxation ; would you agree to the earmarking of the proceeds of that taxation for any particular department or for a particular purse ?

A.—We would not object ; that is really not a matter for the Finance Department ; it is a matter for the Government as a whole.

Q.—In our presidency we have been told that it is exceedingly bad finance to earmark taxation ?

A.—Yes ; it is bad finance.

Q.—In what way ? Could you explain ?

A.—Because in earmarking certain taxation—say for education—the new taxation may bring in, say, Rs. 25 lakhs a year ; the Education Department may not be in a position to spend that.

Q.—But it may be carried over for the next year for the Education Department ?

A.—But meanwhile other departments are suffering.

Q.—But this taxation has been specially levied for the Education Department ? They have no right to complain ? Would there be any difficulty from the point of view of the Finance Department ?

A.—There will be no difficulty in the working of the Finance Department.

Q.—You can keep a *pro forma* account ?

A.—Yes ; there will be no difficulty in actual work ; but we consider it bad finance to earmark taxation.

(*Mr. Chairman*).—*Q.*—On general principles ?

A.—Yes.

Q.—Under the new conditions the Legislative Council will be more ready to pass a taxation Bill if this undertaking was given to it, isn't it ? If the Legislative Council were told that the proceeds from this particular taxation were to be used only for education and for nothing else, possibly the council would be more ready to pass it ?

A.—It might ; on the other hand the Agricultural Department might be crying for money.

Q.—They might propose another taxation for themselves ?

A.—Of course ; but that is landing you into a series of special taxation Acts.

Q.—At any rate, when you have got separate purses, if a particular piece of taxation is for reserved departments and another for transferred departments, would you think that feasible ?

A.—There will be less objection to that.

Q.—With regard to the Public Works Department, you know that making detailed schemes in that department costs a lot of money ?

A.—Yes.

Q.—What is your procedure about the sanctioning of schemes in the Public Works Department ?

A.—Schemes which go through the Public Works Department, when they come up for examination, are only rough plans and estimates and the department cannot call for detailed plans and estimates until they can see in the immediate future that there will be funds for it ; and we are not allowed to take them up unless there is a clear prospect of funds in the near future.

Q.—So you save money in that way ?

A.—Yes.

Q.—Talking about Bengal balances and absolute financial autonomy for Bengal, can you tell us what would be the liability of Bengal altogether if such a scheme be taken in hand, if all Bengal finances were absolutely separated from the Government of India ?

A.—I do not understand what you mean by that.

Q.—What would be the debt of Bengal at present ?

A.—We have no debt, at present.

Q.—On account of irrigation schemes for instances ; in that way ?

A.—I have forgotten what the irrigation debt is ; I am afraid I have not got it here.

Q.—What is the annual interest charges you are paying to the Government of India for such purposes as irrigation or advances to agriculturists, etc. ?

A.—We have taken over all that ; it used to be about Rs. 98 lakhs ; we have nothing to do with the Government of India.

Q.—For irrigation you have got to pay a standing sum ?

A.—Rs. 4,60,000 a year payable to the Central Government.

Sir Sivaswami Iyer.—*Q.*—Mr. Marr, I have hardly known any ex-Member or Minister who does not complain about the Finance Department. Do you think that this kicking against the pricks is due merely to misconception of procedure or that it may have some real basis ?

A.—I do not think it has any real basis at all ; if these departments work out their schemes as we ask them and beg of them to work out the schemes, there will be no trouble at all.

Q.—Do you tell them beforehand what conditions they have to satisfy ?

A.—No ; it is simply a question of a thorough examination of the scheme and its liabilities.

Q.—Is there any delay in sanctioning schemes in the Finance Department ?

A.—It all depends upon the time of the year ; we ask them if possible to avoid sending new schemes after the 15th of August ; we are so busy with our budget work after that, that if a new scheme comes in then, unless it is very urgent, it is simply put on one side ; that is all.

Q.—Do you think that the rule as to 15th August admits of relaxation ?

A.—I have put it in paragraph 2 ; yes, it admits of relaxation in special cases.

Q.—In urgent cases you may sanction new schemes also ?

A.—Yes.

Q.—Very often, I suppose Ministers do not know exactly what they have to comply with, in regard to the preparation of schemes for the scrutiny of the Finance Department ; I suppose Ministers do not know what the requirements of the Finance Department will be ; there may be some delay or imperfection in the preparation of the scheme ; now would it be an advantage to have a secretary attached to the transferred departments, who will work with those departments and will be able to advise them as to how to put the schemes into shape so that they may pass the scrutiny of the Finance Department ?

A.—The secretaries already existing in the departments should know that from experience ; they should be able to do so ; and I do not see that the attachment of another secretary would help at all.

Q.—The only person who can advise them is the Financial Secretary ?

A.—Their own secretaries.

Q.—And they will be able to instruct them sufficiently with regard to the demands of the Finance Department ? You do not think a Joint Secretary is necessary ?

A.—No ; I do not see how he is going to help at all.

Q.—In some departments, for instance in the Military Department, there is a Financial Adviser—(I am talking of some department like that, where you have an internal Financial Adviser) attached to the transferred department who would view the questions from their point of view and put it into shape so that it may pass easily the scrutiny of the Finance Secretary ? Is that a possible arrangement ?

A.—I cannot see how he is going to help more than the secretaries attached to the departments at present ; they should know ; the fundamental thing is, if the Minister would only declare his policy, that would simplify things a great deal.

Q.—His Secretary should be able to put it into shape, no matter whether he is specially versed in finance or not ?

A.—Yes.

Q.—With regard to this question of the finance portfolio, would it be possible to entrust it to a Minister instead of a Member ?

A.—Yes ; I said that to Sir Muhammad Shafi—that I can see no constitutional difficulty, except as regards rule 36.

Q.—If that rule were altered, it could be done ?

A.—I see no constitutional objection.

Q.—The member who happens to be in charge of finance is not particularly an expert in finance ; he has to depend upon his secretary, isn't it ?

A.—No ; generally he has been the Finance Secretary in his time in Bengal ; all the members that I have had have been all Finance Secretaries.

(*Mr. Jinnah*).—*Q.*—May I ask one question ?

(*Mr. Chairman*).—*Q.*—What is it ?

(*Mr. Jinnah*).—*Q.*—In connection with this matter, you said there is no constitutional difficulty ; would it be desirable to hand the Finance portfolio to a Minister ?

A.—I am afraid I am not in a position to answer that.

Q.—From your experience, do proposals emanating from other departments in the Finance Member's charge pass through more easily than proposals emanating from departments not in the Finance Member's charge ?

A.—We are in a different position ; we have practically no spending departments.

Q.—You said there is no finance committee in your province but there are various standing committees in connection with different departments which examine the proposals of those respective departments. But when all these proposals have to be examined as to which of them should go into the budget, there is no finance committee of the legislative council to advise you as to which of them should be given preference. Don't you think it would be an advantage to have a finance committee of the legislative council to suggest which of various competing approved schemes should find a place in the budget ?

A.—I do not see that a Finance Committee could help because that point is settled by government sitting as a whole ; the Finance Department has nothing to say to it.

Q.—No ; but a Finance Committee of the Legislative Council may be of some help to the government. The Finance Committee of the Legislative Council may be of some help to the Government. Here, for instance, there is a Finance Committee in the Government of India and the Finance Committee says which schemes it approves of and which should go into the budget and then it goes into the budget.

(*Sir Muhammad Shafi*).—*Q.*—Sir Sivaswami's idea is, supposing there are more schemes than one. The Minister in charge or the Executive Councillor in charge, before coming to a decision, should submit these schemes to this Committee and, after taking into consideration their advice, then the final decision should be arrived at, whether it is arrived at by the whole Government or the Member in charge is immaterial. Do you think such a committee would be useful ?

A.—I don't think it would be very much use. The Minister himself has got his schedule of schemes. He arranges them in the order of urgency according to his policy. Even if the Finance Committee came forward and said, we think scheme No. 5 is much better than scheme No. 1, the Minister has to stick to his policy. He says scheme No. 1 in my opinion is the most urgent scheme.

(*Mr. Chairman*).—*Q.*—Of course, it is a different position. The Government of India have not got a Minister. The Finance Committee could not play the same part there as they do here.

(*Sir Sivaswamy Aiyer*).—I quite agree. Still I thought it might be of advantage to know which scheme would be likely to be popular.

(*Mr. Chairman*).—You see the Minister is ordinarily in touch with his party. It is rather a different position.

Q.—Then, with regard to the transfer from one head to another, a suggestion has been made by one Government that, for instance, with regard to the formal sanction of re-appropriation of one grant to another, a suggestion has been made by one Government that, so far as transferred subjects are concerned, the Ministers should have, under rule 38, sub-rule (1), the same powers as the Finance Department. This particular Government has no objection to the rule being redrafted so as to give the administrative department—whether a Member or a Minister—power to sanction re-appropriations within a grant from one major, minor or subordinate head to another on the understanding that the Government is not committed without reference to the Finance Department to additional recurring expenditure. Would you approve of that provision ?

A.—Well, of course, that takes away the control from the Legislative Council a good deal. The Legislative Council votes you a certain amount of money say for Education. They deliberately cut you down say from 3 crores to 2.80 crores. They deliberately cut you and then I think it would be wrong that the Minister of Education should be allowed to re-appropriate back that 20 lakhs.

Q.—But, has the Finance Member the power to sanction such re-appropriation without the consent of the Legislative Council ?

A.—Where a grant has been cut down by the Legislative Council for a specific purpose or has been cut down say Rs. 50,000, we never allow a department to go beyond the cut down sum without going back to the Legislative Council. Supposing we have 3 lakhs of rupees for a scheme

in the budget and the Legislative Council in voting that grant cuts that down to 2½ lakhs without going to the Legislative Council again.

Q.—Then, has the Finance Member any power of re-appropriation at all, without going to the Legislative Council ?

A.—Yes, within a major head.

Q.—Can that power be transferred to the administrative Member in charge ?

A.—No. I would not.

Q.—You would not allow him to take the place of the Finance Member in those cases in which the Finance Member can act, without going to the Legislative Council ?

A.—No, because there is a great danger. The danger is of a Minister or a Member—the same thing applies to a Member in charge of a reserved department—re-appropriating and incurring.

Q.—No, no. The suggestion is that they should not commit themselves to any recurring expenditure ?

A.—Exactly, but they think at the time of the re-appropriation that they are not committing themselves. Take the case of a building. You think that is non-recurring expenditure. But it is recurring expenditure. Because you have to keep up that building, repairs and replacement expenses, etc.

Q.—Suppose it is a question say of famine relief to be incurred once for all, or something of that kind. It is not a recurring expenditure ?

A.—No, it is not a recurring expenditure. There may be re-appropriation in that case. Yes in all cases like that we never object.

Q.—The suggestion has been made by one Government and I wanted to know what you thought about it ?

(*Sir Muhammad Shafi*).—*Q.*—A lump grant to a school, for instance ?

(*Dr. Paranjpye*).—*Q.*—With reference, I just want to ask one question which I forget to ask. The Education Department, you said, had to give back a certain amount of money. Now, suppose the Education Department has sanctioned a building grant to certain institutions to be paid when the money is available. Could not the money have been paid in that way ?

A.—Of course, we would not have any objection.

(*Dr. Paranjpye*).—*Q.*—This money would have been available then ?

A.—We would be quite prepared to pay.

Sir Tej Bahadur Sapru.—*Q.*—Mr. Mar, are you an advocate of a separate purse for your province ?

A.—Of course, I think that is rather a question of government policy which a Member or a Minister would be more competent to answer. From the Finance Department point of view, we don't care one way or the other.

Q.—But from your experience of Bengal finance and of the necessities of the Ministers there in regard to their own department, do you think that the position in Bengal *vis a vis* the transferred departments would improve if there was a separate purse ?

A.—I think that probably there would be more satisfaction.

Q.—More satisfaction amongst whom ?

A.—In the transferred departments amongst the Ministers if there were a separate purse.

Q.—Of course, it carries with it the right to raise separate taxes and those taxes would be raised definitely for expenditure on subjects within their charge ?

A.—On transferred departments.

Q.—But I thought you just now said that from the financial point of view it is a great mistake to earmark taxation.

A.—It is, but there would not be the same objection to earmarking taxation for the whole of the transferred departments. You could let the Ministers settle among themselves as regards the division of the money. But in any case there is the fundamental objection.

Q.—Would not there be any competition between the reserved half and the transferred half for the purposes of taxation for their local needs ? I mean to say you may want to raise some money to meet expenditure say on the police, or the judiciary—the Minister may want also to raise money for education and sanitation. Would not there be an unwholesome competition between the two halves of the Government in regard to taxation ? And would not the tax-payer instead of cursing the whole of the Government once have to curse the Government twice over.

A.—Yes, that is possible.

Q.—I am putting that to you because the question of a separate purse or of a joint purse, was very strongly raised by the Local Governments and the Government of India before the Functions Committee of which I was a member. At a late stage the Functions Committee were asked by the Government of India to consider the opinion expressed by Lord Meston at that time. The view which I have now put before you was pressed by many of the Local Governments. They said it would lead to most unwholesome competition and possibly to greater deadlocks and greater friction between the two halves of the Government than a joint purse would. I am not asking you to say any thing on behalf of the Bengal Government. I am treating you as a financial expert. I want your opinion on that point.

A.—Well, of course, it depends a great deal on the smooth working on the two sides of the Government. In Bengal we have had no difficulty at all about the allocation of money.

Q.—But you are more or less bankrupt ?

A.—But still with other Ministers it might be possible even then for them to refuse to agree to the allocation which is intended.

Q.—But am I right in assuming that the question is not free from considerable doubt and therefore it would not be wise to be dogmatic on the point ?

A.—Yes.

(*Sir Muhammad Shafi*).—In the case put to you by Sir Tej Bahadur Sapru both the Minister and the Executive Councillor, if they wanted to raise any money by taxation, would have to go to the same Legislative Council in order to get it ?

(*Sir Tej Bahadur Sapru*).—And there would be a question of favouritism then.

Mr. Jinnah.—*Q.*—Mr. Mar, I just want to ask a few questions. Now, with regard to the Finance Department, you say you would also examine the policy of any scheme or any proposal which involves expenditure coming upon the transferred government ?

A.—Not if the policy has already been laid down and agreed to.

Q.—Agreed to where ?

A.—If a Minister has laid down a policy which has been accepted by Government as a whole, we never question it any further. All we examine then is : is the scheme in furtherance of that policy.

Q.—Has a Minister got to place his policy before the Government as a whole ?

A.—Well, in Bengal, where we are trying to work as a joint government, he has.

Q.—Every scheme which involves national expenditure ?

A.—Not the scheme, the policy.

Q.—A Minister has got a scheme which involves financial expenditure. Has that scheme, the policy of that scheme, got to be placed by him before the whole Government ?

A.—Not necessarily. Of course, when I talk about policy I mean big lines of policy as for instance primary education, rural water supply, anything like that.

Q.—Is he bound to place that before the Government as a whole ?

A.—No, but in order to persuade the other Members of Government to allot him more money than he would otherwise get, he must explain to them his policy.

Q.—Very well. In matters of big principles, he has first of all to place it before the whole Government and if the whole Government have accepted the policy then the Finance Department merely has to consider whether they have got funds or not ?

A.—No, further, as to whether the particular scheme which has been submitted to them is in furtherance of that policy.

Q.—That is to say, whether it is intended to carry out that policy.

A.—And whether it fulfills the conditions that have been laid down by the policy agreed upon.

Q.—And that depends entirely upon the outlook of the Finance Member ?

A.—I don't see what he has to do with it.

Q.—To see whether the policy which is laid down is going to be carried out by the scheme which is placed before him ?

A.—Well, we would have had a policy. May I quote an instance.

Q.—I am only talking about general principles. A particular policy is laid down, the entire Government agrees ; in pursuance of that policy the Minister has formulated a scheme. That scheme has got to be placed before the Finance Member. Isn't that so ?

A.—Yes.

Q.—Then it is for the Finance Member to see whether the scheme placed before him is in accordance with that policy or not. That depends upon his outlook or mentality or the way in which he looks upon it—and he can turn it down ?

A.—He can't turn it down. He can object. He says that is not in furtherance of this policy and then the Minister can go to His Excellency.

Q.—Now that is one case ?

(*Sir Muhammad Shafi*).—*Q.*—May I intervene ? The case which has been put to you by Mr. Jinnah is this. One Minister has formulated a policy and that policy has been approved of by the whole Government, then in pursuance of that policy he submits his case to the Finance Department. Whether the decision in the Finance Department on that scheme will not depend upon the outlook and the mentality of the Finance Member ? But the very premise on which this proposition is based assumes that the Finance Member has already agreed to the policy of the Government when the policy was placed before the whole Government and has approved of it, so that in dealing with the scheme, his mentality will be favourable to the policy of which the scheme is the result ?

Q.—But also his mentality may play an important part as to the manner or the details of that scheme—isn't that so ?

A.—Well, I can't imagine a case. Of course, in framing a policy, the principles are laid down. And if these principles are obeyed there is no question of the mentality of the Finance Member. The scheme has to go through.

Q.—Even with regard to the details of the scheme I may agree with you in principle. Still it will depend on the individual outlook as to how that principle is to be given effect to and also the manner, the method and the details also. It is obvious it must be so. The Finance Member may like that that principle to which he agrees may be carried out in a different way from what the Minister may submit ?

A.—It is possible. I cannot quite imagine . . . . . .

Q.—Take the other cases. These are big cases such as primary education and things like that. Let us take other cases which are small cases ?

A.—Isolated cases.

Q.—Yes. They are put before the Finance Department. The Finance Department examines the policy of that particular isolated scheme ? Don't you think that it is generally the case ?

A.—If it is in furtherance of a policy which has been recognised for years.

Q.—Supposing it were something new ?

A.—I mentioned a case of something new where we did . . . .

Q.—If it is not in accordance with any particular policy which has been determined and if the scheme is an isolated scheme by the Minister, then you would also examine the policy of that ?

A.—Yes.

Q.—Does not that place the Minister in a very difficult position that his policy should be examined by a member who happens to have the financial portforlio ?

A.—It appears to me that the Finance Department is bound to do that.

Q.—Is that not a difficult position for the Minister. Suppose you were a Minister. You have carefully considered the policy. I am talking of an isolated scheme. You as a responsible Minister to the legislature

wish that it should be carried out and yet there is another person who sits over you and examines the policy of the principle ?

A.—He does not sit over it.

Q.—He examines it. If he does not approve of it ?

A.—We object and then the Minister has got a right to go to the Governor.

Q.—Is that not a difficult position for the Minister that he should be subjected to this control ?

A.—I do not know of any Government where he isn't subject to control, any Government in the world.

Q.—I am talking of the position of the Minister, the relationship of the Minister *qua* the Finance Department. A good many of the Ministers who have appeared before us feel about what I am putting to you. It is a difficult position for the Minister. You would admit that ?

A.—It may be difficult but I cannot see how it can be avoided.

Q.—One solution was put before you. Why not transfer the finance portfolio to a Minister. You said there is no constitutional objection. Is there any objection of any kind ?

A.—That Minister would be subject to the same financial control as a Member.

Q.—He will also have to exercise the same control over any scheme that comes from the reserved side ?

A.—Yes.

Q.—In the reserved side would you like that ?

A.—It is for the reserved side to say.

(*Sir Tej Bahadur Sapru*).—You do not belong to either ?

A.—Yes.

(*Mr. Chairman*).—*Q.*—Assume that the Minister was competent to exercise control ?

A.—The Ministers will be in no more difficult position than the Members.

Q.—The difficulty I feel is this. The Minister feels it a difficult position if a Member of the executive council who happens to have the financial portfolio sits over him. Would not the reserved side feel the same. Would they not say " Here we are masters of our departments. We have formulated a scheme (I am assuming it is a good scheme) and yet it is open to a Minister in charge of a portfolio to object to it on the ground of policy." Would not that be a serious position for the reserved side ?

A.—The member in charge of the reserved side may feel it but it is not a serious position.

(*Mr. Chairman*).—*Q.*—Have you ever worked in the Government of India ?

A.—No.

(*Mr. Chairman*).—*Q.*—Is it not a fact that even in the unitary government where there are no transferred and reserved departments much irritation is felt towards the members of the Finance Department ?

(*Mr. Chairman*).—*Q.*—They were always unpopular ?

A.—Yes.

(*Sir Tej Bahadur Sapru*).—*Q.*—The Finance Department has very few friends ?

A.—Yes.

(*Sir Sivaswamy Aiyer*).—*Q.*—What is the cause of the increase in the reserved side ?

A.—The Police have framed a very big building scheme. That is the only reason.

(*Sir Sivaswami Aiyer*).—*Q.*—As a general rule in which half of the Government are more new schemes of expenditure introduced ?

A.—On the whole on the transferred side.

Q.—In reply to the question that was put to you by the Chairman you said in a unitary government there is always a certain amount of difficulty and there is a scramble ?

A.—Yes; every department wanting money ?

(*Mr. Chairman*).—It is to the financial control that I was referring to. I was putting to him whether cases were turned down by the Finance Department. There is no question of money ?

Q.—I have not been in any Government and therefore I may be ignorant. When you send any scheme to the Finance Department if there is a unitary government, if there is a question of policy with regard to a scheme that also can be discussed in the cabinet itself and the cabinet takes a decision jointly. Is that not so ?

A.—Yes.

Q.—It is not a case really of the Finance Department as purely a Finance Department examining a policy of a particular department in a unitary government ?

A.—In the unitary government we also turn down a scheme if we think that it is not worth spending money on. That is a question of policy. Then we might be over-ruled.

Q.—In that case in a unitary government the entire cabinet has got to decide the question ?

A.—It need not necessarily, if it is a small thing. If it is a big case, the policy is settled by Government before the scheme ever comes to the Finance Department.

Q.—The policy is settled by the cabinet as a whole and then he comes to the Finance Department ?

A.—If the scheme is in furtherance of that policy.

Q.—If the scheme comes before you and the Finance Department objects to it then it can be decided by the cabinet as a whole ?

A.—Yes.

Q.—And the cabinet as a whole takes the responsibility ?

A.—Yes.

Q.—Here the Minister who is responsible to the legislature can only appeal against the objection of the Finance Department to the Governor ?

A.—Yes.

Q.—It has been suggested that the Financial portfolio should be given to some independent authority as a Controller of Provincial Finance. What do you say to that ?

A.—I have said before that in a case like that the officer in charge of the Finance would not have the same influence with Government. His position would not be so strong.

(*Sir Muhammad Shafi*).—*Q.*—He would be directly under the Governor and be independent of both the reserved and the transferred sides ?

A.—But then he is not a member of the Government.

(*Sir Tej Bahadur Sapru*).—*Q.*—How will he discharge his responsibility towards the legislature ?

A.—I suppose the Governor will be in charge technically and it will be very difficult for him to decide certain cases. Most of the cases are disposed of by the Secretary. If the finance is in charge of the Controller, he is not responsible to any one.

Q.—The Governor is not a member of the Council ?

A.—No.

(*Sir Muhammad Shafi*).—*Q.*—The controller of Finance would be a member of the Council ?

A.—Yes. But he would not be a member of the Government.

(*Sir Muhammad Shafi*).—*Q.*—Are you aware that His Excellency the Viceroy is in charge of the Foreign and Political Department and he is not a member of the Council ?

(*Sir Tej Bahadur Sapru*).—*Q.*—Are you aware that foreign and political affairs do not come before the Council ?

A.—I am aware of both.

(*Sir Muhammad Shafi*).—The establishment of the Foreign and Political Department does come before the Legislative Assembly.

Q.—I take it that you cannot suggest any solution out of this difficulty. You think that the best course would be to sick to the present position ?

A.—I think so.

Q.—And continue the anomaly that the Minister has got to subject himself and his policy at any rate in isolated cases to the objection of the Finance Member ?

A.—He is in the same position as a member is.

The witness then withdrew.

The Committee adjourned till 10-30 on Friday morning the 24th October 1924.

Friday, the 24th October 1924.

The Committee met in the Committee Room B of the Legislative Chamber at half past ten of the Clock, Sir Alexander Muddiman in the Chair.

Witness:—Mr. J. E. C. Jukes, Officer on Special Duty, Finance Department, Government of India.

EXAMINED BY THE CHAIRMAN.

Q.—I take it that this memorandum of yours is put in by you personally and not as representing the Finance Department ?

A.—Entirely representing my own views. I have put it in with the Finance Member's consent, but it is entirely my own view.

Q.—You have been engaged during the last two or three years in connection with this matter ?

A.—Yes, I have been making financial rules for a long time, back to 1919.

Q.—Did you go home ?

A.—Not in connection with it.

Q.—The Auditor General did ?

A.—He went home.

Q.—First of all I should like to thank you on behalf of the Committee for this very useful memorandum, which puts the position very clearly. It is a very valuable memorandum. There is one point I must put to you in connection with the legal position. You say by operation of the rules under the Act you could give the local Governments financial autonomy. In one sense that is true, but in another sense it is not true, because you know the position as regards vesting of funds. They are vested in His Majesty. The revenues of India are one, and therefore in the ultimate event of a loan not being met and proceedings having to be taken to enforce the loan, the proceedings would have to be against the Secretary of State, and the Secretary of State is, under the Act, liable to the extent of all the revenues of India. Therefore supposing the Bombay Government were to default in its loan, it might be that the general revenues of India would have to pay ?

A.—Undoubtedly.

Q.—Then you could never have any financial autonomy in the true sense. You have administrative financial autonomy in your sense ?

A.—What I meant by financial autonomy for the provinces, was financial autonomy to the extent to which the Government of India have themselves got it, apart from the Secretary of State.

Q.—The point is rather an important one because it is often missed that this is all administrative devolution practically ?

A.—Yes.

Q.—On the other hand, if it was so desired, considerable advance could be made under the Act, and you have summarised the measures that could be taken in paragraph 22 ?

A.—Yes.

Q.—You consider that audit should remain central ?

A.—Yes.

Q.—Have you any experience or knowledge of other governments with a central and local governments ?

A.—A book knowledge only.

Q.—Do you know whether audit is central, say in Canada or Australia ?

A.—I could not say ; I fancy it is in most British federations.

(*Sir Sivaswamy Aiyer*).—*Q.*—And in the United States ?

A.—There they have a most extraordinary system ; they have not any separation of audit at all. The audit is done by the Finance Department ; it is a separate branch of the Finance Department.

Q.—Have you ever studied the question of treasury control at home ?

A.—Yes.

Q.—Would you say, speaking from your examination of the point, that the treasury control at home is more stringent or less stringent than ours ?

A.—In practice infinitely more stringent.

Q.—We have had it put to us, as you may have read in the papers, that the Finance Departments in the local Governments exercise an undue influence on policy.

A.—That I think is unavoidable. It is exactly the same at home.

Q.—What I will put to you is this. Say a member of the Government at home has a struggle, as he often in fact does have struggles, with the Treasury, the only tribunal to resolve the point is the Cabinet ?

A.—Yes, but in actual practice not one case in a million is ever pushed to the Cabinet.

Q.—As a matter of fact that is very rarely resorted to ?

A.—Very rarely.

Q.—They chafe at the control but submit to it ?

A.—Yes. Might I quote an example. There was a famous case in which Lord Salisbury, when he was at the same time Prime Minister and Foreign Secretary, actually in a public speech made an attack on the Treasury, stating that it was absolutely intolerable the way in which the Treasury at home was able to thwart the policy not only of the Foreign Department, but also of the Cabinet. It was afterwards pointed out to him that in his capacity as Prime Minister he was also First Lord of the Treasury.

Q.—As far as you know the political heads of the Treasury did not interfere in this matter of treasury control ?

A.—Not at all, they never did.

Sjr Tej Bahadur Sapru.—*Q.*—I should like to know what it is exactly that corresponds in India, if at all, to what is known as the Consolidated Revenue Fund ?

A.—Practically the general revenues of the Government of India, as the term is used in the Devolution Rules.

Q.—I am using that in the English sense, the Consolidated Revenue Fund, what is it that corresponds to that in India ?

A.—The whole of the revenues of the Government of India. We call them the general revenues in the Devolution Rules.

Q.—Under the Government of India Act there are certain liabilities which the Secretary of State incurs in England. In any scheme of provincial autonomy, what will happen to that ?

A.—That of course depends on what you do with it. Without altering the Act the Secretary of State must still retain his power to spend money if he wants to. He has the power to spend money.

Q.—He has power to spend money and enter into contracts, and he incurs certain liabilities in England, and that is what gives the English courts jurisdiction over the Secretary of State. There have been certain cases where the Secretary of State's liability has been sought to be enforced in the English courts. Take the well known case of Grant. If the provinces get autonomy and the Government of India gets autonomy, what would happen to the powers of the Secretary of State and the liabilities of the Secretary of State ?

A.—The answer really depends on how you made your rules. Unless you alter the Government of India Act, the Secretary of State must retain his powers, and I take it that would apply to the revenues of the provinces as well as of the Government of India.

Q.—Do you think it is possible to encroach upon the powers of the Secretary of State in regard to those statutory liabilities of his by mere rules ?

A.—No, certainly not.

Q.—There are certain powers given to the Secretary of State and certain obligations imposed on him by Parliament by statute, and whatever else you may do with regard to the Government of India or the provincial governments, do you think it is possible to affect these powers of the Secretary of State without amendment of the Act ?

A.—Only in the case of those sections in which the Act itself gives the Secretary of State power to modify the Act, to modify his own powers.

Q.—Those powers are the powers which the Secretary of State exercises over the Government of India. Now with regard to his own powers and his own obligations do you think it is possible for him to contract himself out of the statute ?

A.—Section 19A gives him considerable power in that respect.

Q.—Over the Government of India ?

A.—It does not say Government of India or local Government.

Q.—But with regard to his own powers exercised in England ?

A.—The power is considerable ; I fancy the exercise is not very large.

Q.—In regard to his financial obligations it is very large ?

A.—The total expenditure on behalf of local Governments in England is very small.

Q.—He used to enter into contracts on behalf of the Government of India ?

A.—Oh yes and still does.

Q.—And those liabilities of the Secretary of State can only be enforced in England ? What will happen to them, who will represent the Government of India or the provincial governments in regard to those contracts which may be entered into on behalf of either in England if you take away all the powers of the Secretary of State ?

A.—I do not quite understand what the force of the question is. I have never suggested that we should abolish the Secretary of State or his powers.

Q.—What I am asking you to consider is what would be the position of the Secretary of State in regard to these financial obligations if you give financial autonomy to the provincial governments or, absolute autonomy to the Government of India in financial matters ? There will be some sort of readjustment ?

A.—Yes.

Q.—That readjustment could not be brought about by any of the rules ?

A.—No.

Sir Sivaswami Aiyer.—*Q.*—On page 7 you say that an experiment in the separation of accounts and audit has been proceeding during the financial year. Where ?

A.—In the United Provinces.

Q.—Do you think it is absolutely necessary to separate accounts from audit ?

A.—If you are going to make an advance in financial autonomy, it is necessary, I think.

Q.—But for the purposes of audit would it not contribute to uniformity in the system of accounts if the accounts and audit were kept and carried out by the same agency ?

A.—I do not think so ; provided the audit is one and the same agency I think the auditor can keep the accounts straight.

Q.—If you mean each province keeping its own accounts in its own fashion, classifying income and expenditure under different heads, any amount of confusion will result ?

A.—Of course that would never be allowed to happen. You must give the Auditor General certain powers of prescribing the forms in which the accounts should be submitted and compiled for the purpose of the revenue and finance accounts which is very important ; he must be able to prescribe the major forms of accounts.

Q.—He must have power to prescribe certain standards as to forms ?

A.—That is always done ; in England it is the Treasury ; here it might be the Auditor General ; that is a point which would have to be settled.

Q.—You say in paragraph 13 that there are other arguments which could be adduced in support of separation—"It will afford a means, though possibly not the only available means, of securing a more effective control over expenditure from voted grants." How will it secure a more effective control ?

A.—The great difficulty now in securing control is that we have not been able to bring heads of departments who have to control grants into sufficiently close touch with their accounts. The line on which the United Provinces experiment is proceeding is really to have the accounts kept under the same roof as the head of the department himself ; he has his accounts absolutely next door to him, he knows, practically from day to day, how he stands with regard to expenditure in departments under him.

Q.—Do you think under the present system there is want of touch between the local Finance Member and the Finance Department ? You see the accounts are being kept by the Finance Department.

A.—The accounts are not kept by the Finance Department ; they have been kept by the Auditor General so far.

Q.—By the Accountant General ?

A.—That is a central department ; all the local governments' accounts are being kept for them by the Auditor General's staff, which is central ; the Finance Department has nothing to do with them.

Q.—I mean the Accountant General's office when I speak of the Finance Department.

A.—But it has nothing to do with the provincial Finance Member.

Q.—The Finance Member and this department are out of touch with each other ?

A.—Yes.

Q.—Your suggestion is meant to bring them more into touch with each other ?

A.—Into much closer touch.

Q.—You suggest in paragraph 14 that the provincial governments should be allowed to have the use of various deposit monies ?

A.—Yes.

Q.—I suppose in one sense it is a temporary use of the monies, like a bank ?

A.—Yes. It is a banking function entirely.

Q.—You do not see any danger in that system, any more than the Government of India handling these monies ?

A.—Not if the accounts are properly kept and audited.

Q.—You say in paragraph 16 that the imposition of certain kinds of new provincial taxation might jeopardise the stability of central finance ; that I understand ; you go on to say that it would be unfair to other local governments as long as these pay contributions to the central exchequer. How would it be unfair ?

A.—There was a recent case which arose, in which a particular local government desired to impose a particular tax for its own purposes, I understand the line which the other provinces adopted was this : that that tax might be put on for central purposes ; if it was going to be put on at all, it should be put on for central purposes and it would then *pro tanto* reduce their contributions. The more revenue the central government gets the less in theory should be the contribution of the provinces ; if a source of central revenue is taken up by a province for its own use, it then becomes purely provincial and the contributions cannot be reduced.

Q.—Supposing a provincial government is allowed to put on an individual tax which has not been hitherto levied. How would it work unfairly to the other provincial governments ?

A.—That was the line which was taken. Let us assume for a moment that the tax is going to yield 2 crores and that a particular local government will have these 2 crores for its own purposes ; the other local governments say this tax is of the nature of central taxation ; if it is levied at all, make it central.

Q.—If it trenched upon the sphere of central taxation ?

A.—Yes, that was the idea.

Q.—Not in other cases ?

A.—No ; I only want examination so that it may be definitely decided whether it does trench on the sphere of central taxation or not.

(*Dr. Paranjpye*).—*Q.*—Would you then not allow provincial governments to levy any tax upon central matters ?

A.—No, certainly not.

Q.—You would make the compartments absolutely water-tight ?

A.—As far as possible—I do not think there could be absolutely water-tight compartments.

Q.—In paragraph 18 you say " The remaining restriction requires the observance of rules framed by the Secretary of State to regulate expenditure upon imported stores. It is probable that here also restrictions could be reduced to a minimum if provincial autonomy were increased." What are these rules to regulate expenditure upon imported stores ? What is the object of these rules ?

A.—Of course it is not a subject with which I am quite familiar ; it is not a finance department subject ; the Stores Rules have been made by another Department which is responsible for stores. There are certain restrictions on the powers of local governments to buy foreign stores without resort to the central purchasing agency ; it is really not my concern ; it is not my line of business.

(*Mr. Chairman*).—*Q.*—They have been modified quite recently ?

A.—I think so, Sir. The only reason why in the Schedule to the Devolution Rules it was put in this form was because at the time when we drafted the Devolution Rules the Stores Rules were being modified ; we did not know what was going to happen and we therefore simply left the power to the Secretary of State to make rules.

Q.—You said you had a book-knowledge of other systems of federal finance ; can you give us any idea as to what kind of taxes are reserved for the central government and what kinds of taxes for the provincial governments ?

A.—I am sorry ; I could have done so ; I have actually got on my table a note which I made for myself after examining the question ; but I have not brought it up. It is only a half sheet of paper with my own notes on it ; I do not think it would be of any great value.

Sir Arthur Froom. *Q.*—With regard to your suggestion (*b*) on page 11 that local governments should be made responsible for the custody of their own balances, would that embarrass the central government ?

A.—I do not think it would; I think it could be done. We have worked out a general scheme which is going to be discussed with local governments shortly; but my own impression, and I fancy it has been more or less accepted in the Finance Department, is that it is quite practicable.

Q.—The local governments, whenever they have balances, would be required to keep them in the Imperial Bank ?

A.—Undoubtedly, as long as the agreement with the Imperial Bank remains as it is at present; that is essential.

Q.—Would you suggest that when there are balances they should be in the nature of interest-free (short-term) deposits ?

A.—That is what happens with regard to the central government.

Q.—And when they have debit balances would they be financed from the Imperial Bank ?

A.—We hope they will be able to get ways and means advances from the Imperial Bank; we should have to make some arrangement by which they could.

Q.—Without interest ?

A.—That, I think, is doubtful; I think the Government of India pay interest on ways and means advances now; otherwise you will have local governments continually coming up for loans. There is no reason whatsoever, if they are going to pay no interest, why they should not take crores from the Imperial Bank.

Q.—The chief advantage to the provinces is that they would be able to get hold of their money at once under this scheme of transferring balances ?

A.—No; it is an advance in autonomy and some local governments want it very badly; one of the reasons which induce them to want it is the one I have mentioned already. The total provincial deposits are something like 15 crores of rupees.

Q.—Have you any particular views regarding provincial contributions under the Meston Award ?

A.—From what point of view ?

Q.—From the point of view of each province ? Do you think the complaints are reasonable ?

A.—I have my own personal opinion about that; it seemed to me that the Meston Committee made a very reasonable settlement upon an extraordinarily difficult problem; no decision could possibly have satisfied everybody and they did not succeed in satisfying everybody and I do not think they could have done so.

Q.—But in view of the complaint of each province of the injustice which they say they feel, have you any scheme in your mind which would replace this Meston Award ?

A.—No, I have not.

Mr. Jinnah.—*Q.*—You say in your last paragraph "The powers of superintendence, direction and control exercised over transferred subjects by the Secretary of State and the Governor General in Council are not susceptible of reduction." Can you explain that a little more ?

A.—If you will look at my paragraph 21 you will find in it (*a*), (*b*), (*c*) and (*d*)—the cases in which these powers are needed. To my mind it would be absolutely impossible to take out any one of those; they are summarised more or less in those clauses ; I cannot conceive of your abolishing any of those.

Q.—Similarly you say "It would be an advantage to set forth categorically the circumstances in, and the extent to, which these authorities will exercise their theoretically unlimited powers of the same nature in relation to reserved subjects." It comes to this, that so far as the powers of superintendence direction and control which can be exercised by the Government of India and the Secretary of State over the transferred as well as the reserved subjects you cannot touch those ?

A.—I cannot touch the transferred.

Q.—Do you propose any change in the powers which they can exercise now under the Act ?

A.—That is rather a difficult question, Mr. Jinnah. I understand the Government of India for the last 3 or 4 years have been trying to make up

their minds as to the exact cases in which they will exercise their power of intervention in the case of reserved subjects, but nothing has been so far done. But it is very largely an administrative question; it is not a financial question, and I have not that knowledge of administration in all departments which would enable me to make any suggestions.

Q.—You would not suggest any alteration in the powers so far as they exist at present with regard to the transferred departments or the reserved departments ?

A.—As regards the reserved departments the power is unlimited and at present there are very many cases in which neither the Secretary of State nor the Governor General in Council would ever dream of exercising it. What I meant to suggest is it would be very useful if both these authorities could say categorically that "as regards such and such spheres of action we do not propose ever to interfere with you."

Q.—Now let us get back to (*a*) and (*b*). These clauses suggest a better method of keeping accounts and auditing.

A.—Not necessarily a better method. That is to say, the Auditor General, would possibly not admit that it is a better method. My own opinion is that it is a better method.

Q.—That is with regard to (*a*). And (*b*) also ?

A.—(*b*) has nothing to do with accounts or audit.

Q.—That says local Governments should be made responsible for the custody of their own balances.

A.—That gives the provincial Government greater financial autonomy.

Q.—At present the balances are kept with the Government of India, so you suggest that is a better way ?

A.—Not a better way, but a possible way of giving them more autonomy in financial matters.

Q.—That is the balances will be in their custody instead of with the Government of India. Then in (*c*) you say " The present rules relating to the imposition of provincial taxation should remain in force." You don't propose to alter the present rules as to the imposition of provincial taxation ?

A.—Only the schedule to the rules.

Q.—Then with regard to borrowing powers you do not want to make any change in that ?

A.—No.

Q.—All that you suggest is that it would be better if the balances are separated and facilities are given for obtaining ways and means advances.

A.—It is essential, I would say.

(*Sir Sivaswamy Aiyer*).—*Q.*—May I put one question about this subject. Under the Local Government Borrowing Rules, suppose a local Government wants to borrow a sum of money for repair of damage caused by floods, has it got any power to do so ?
it might possibly come under either of two clauses. It might possibly

A.—Just let me look at the rules and make quite sure. Yes, I think come under (*a*). It might be capital expenditure on the construction or acquisition of a work or asset of a material character; and it might certainly be the giving of relief in times of scarcity.

Q.—Relief in times of scarcity means relief to the people who are suffering from scarcity in the way of doles.

A.—What actually do you want to give ?

Q.—Suppose floods have caused enormous damage to fields, cultivated fields, by a deposit of huge layers of silt or embankments have been breached or bridges have been destroyed or roads have been cut up in various areas—that would not come under the head Famine or Scarcity.

A.—Are you contemplating that the Government itself would be spending the money or lending money to owners of land ?

Q.—Suppose the Government wants to raise money to grant loans.

A.—You can always raise money for the provincial loan account.

Q.—Under which head ?

A.—Under (*d*). It borrows money and then lend money to the cultivators.

Q.—I take it that for the financing of the Provincial Loan Account means the repayment of provincial loans.

A.—Oh no. The Provincial Loan Account covers loans which the local Government makes to local bodies, cultivators and other people.

Q.—Can it lend to the public under that rule ?

A.—Yes, under certain conditions which are laid down.

Q.—Suppose it wants to spend money for the purpose of reclaiming lands.

A.—That will be a little bit doubtful. It might possibly be classed as capital expenditure on a work or permanent asset of a material character; but I am not quite sure.

Q.—Would it not be desirable to have a specified clause to make provision for such extraordinary damage as has been caused during the recent floods ?

A.—I quite agree, that, if that is not covered by any clause here—as to which I would not like to give any decided opinion—I certainly think it would be desirable to borrow money for that purpose.

Q.—Then I want to understand this. If you decided to give financial autonomy to the provinces, would it mean in any sense that the provinces would be able to do what they liked with their revenues ?

A.—If I gave complete provincial autonomy ?

Q.—In your proposal....

A.—My own does not.

Q.—Yours is really confined more to details of accounts and audit, defining certain spheres within which they can tax and so on.

A.—I have really tried to cover the whole ground. You say it is detail, but you cannot cover the whole ground without going over the details one by one.

Q.—It is really consistent with the present Act ?

A.—Entirely consistent with the present Act. That is what I understood I was intended to do.

Q.—Exactly, you have confined yourself to such suggestions as could be given effect to under the present statute and the rule-making power.

A.—Yes, if you look at the heading of my memorandum you will find I say so.

(*Mr. Chairman*). *Q.*—One question, Mr. Jukes. Although, as you said to Mr. Jinnah, you have not gone beyond the present Act still these are all steps which must be taken for any system of financial autonomy ?

A.—Yes.

Sir Tej Bahadur Sapru. *Q.*—Mr. Jukes you know that the revenues of India are under the present Government of India Act vested in the Crown and the Secretary of State has got certain powers of control and expenditure ?

A.—Yes.

Q.—Do you know what is the law with regard to that in South Africa or Canada or Australia ? In South Africa I should think the revenue vests in the Governor General in Council.

A.—I believe that is correct, but I would not give a definite opinion.

Q.—And in Canada and Australia there is no provision with regard to the vesting of the revenue with anyone. There is one provision with regard to a single consolidated revenue fund.

A.—I am afraid I am not acquainted with that.

(*Mr. Chairman*). *Q.*—But you will take it from Dr. Sapru that there is ?

A.—I will certainly.

Q.—My point is this. Any suggestion you can make under the Government of India Act as it is must be consistent with that provision of the law that the revenues vest with the Crown ?

A.—Yes.

Sir Arthur Froom. *Q.*—Having arrived, let us suppose, at a complete system of financial autonomy in the provinces, do you consider their borrowings would cost them more than under the system now ?

A.—That depends upon how they borrow. There is a scheme under consideration, as I mention in my memorandum. I cannot describe it because it is at present under discussion, but there is a scheme by which they can get the money they want from a provincial loan fund. It is quite possible that the arrangements that will be made to finance that Fund will be through the Government of India, the money being actually raised by the Government of India itself, which will make the borrowing of money just as cheap as it is now.

Q.—What I had in mind was when it is necessary to go outside India for borrowings.

A.—No, I don't think that would matter. I don't think the borrowings will be so large as to affect the sterling market.

(*Mr. Chairman*). *Q.*—That would depend upon the credit of the province ?

A.—Very largely, but however good that credit might be, if 4 or 5 provinces all went together into the open market.....

Q.—Then they would be competing against each other.

A.—It is a question of competition the whole time.

Q.—What I had in mind was that the backing of the Government of India might be considered a sounder and better security than the backing of any one particular province.

A.—It might possibly, though as a matter of fact the backing is not really the backing of the province but the ultimate backing is of the Secretary of State.

(*Sir Henry Moncrieff-Smith*). *Q.*—There are one or two places in which you would perhaps like the memorandum to be corrected. You refer to the previous sanction which is necessary for legislation imposing taxes which are not scheduled, as the previous sanction of the Governor General in Council. You realise that it is the previous sanction of the Governor General and not of the Governor General in Council ?

A.—I will take it that it is so.

Sir Sivaswamy Aiyer. *Q.*—You are of opinion that the exising borrowing rules should be maintained and that the provincial Governments should not be allowed to resort to the open market ?

A.—Not without the consent of the Central Government.

Q.—Now if the local Government wishes to raise a loan and applies to the Government of India to finance the local Government, would you oblige the Government of India to lend the money required or would you allow them to canvass the necessity for the loan.

A.—They must canvass the necessity for the loan.

Q.—Why ? If the local Government have got financial autonomy and considers it necessary to raise a loan but is prevented from going into the open market, why should you allow the Government of India to refuse the loan ?

A.—Let me explain the difficulties. Supposing every province went up at the same time to the Government of India and said " We want to raise a loan of 10 crores in the open market ". The Government of India would reply there isn't 90 crores in the open market and we must say " No ". You could not give every local Government the right to say to the Government of India " Pay up 90 crores ". The Government of India could not get the money. It is a practical impossibility.

Q.—But isn't it unfair that on the one hand you prevent them getting the money for themselves and on the other hand allow the Government of India to refuse it ?

A.—Is it unfair ? After all if they all went to the open market at the same time, they could not get the money. You have several applications from local Governments. They will be competing with each other. They might get the money at 25 per cent.

(*Dr. Paranjpye*). *Q.*—Do you think the Bombay Government borrowing at a higher rate of interest—6½ per cent.—when the Government of India rate was 6 per cent. a mistake? The Bombay Government could have got the money at 6 per cent. instead of 6½ per cent.

A.—In what way do you mean ?

Q.—I mean at the same time the Government of India had its Loan at 6 per cent. and the Bombay Development Loan was issued at 6½ per cent.

A.—I am not quite sure if I understand your question but I think it would be infinitely better for the purposes of all the local Governments if they could avoid going into the open market, because if the Government of India could do all the borrowing in the open market they could probably get better terms for everybody.

A.—But of course there will be particular cases where local patriotism will come in and will persuade people to subscribe for loans which are going to be used for local purposes.

(The witness then withdrew.)

Friday, the 24th October, 1924.

Witness :—Mr. G. H. Spence, Deputy Secretary to the Government of India, Legislative Department.

EXAMINED BY THE CHAIRMAN.

Q.—Mr. Spence, you are Deputy Secretary in the Legislative Department ?

A.—Yes, Sir.

Q.—And you are giving this memorandum as your own view ; it is not the view of the Government of India ?

A.—In so far as it expresses views, it is intended to express the views of the Government of India as I understand them.

Q.—Yes, but we will put it to you in this way. This is put in with the consent of your Member but does not necessarily commit the Department—I want to make that clear ?

A.—Oh no, in no way whatever.

Sir Henry Moncrieff Smith.—*Q.*—Mr. Spence, how long ago is it that you came to the Government of India ?

A.—I came up originally in the Reforms Office in December 1919.

Q.—And for one year you were Under Secretary in the Reforms Office which was a branch of the Home Department, specially dealing with the reforms ?

A.—Yes.

Q.—And then about December 1920, you joined the Legislative Department as Deputy Secretary ?

A.—Yes.

Q.—As Under Secretary in the Reforms Office, you had a good deal to do—I won't say with drafting—but with rules under the Act and with certain things that were done under the provisions of the Act ?

A.—Yes, that is so.

Q.—The preliminary steps that were taken to bring the Reforms into operation ?

A.—Yes.

Q.—In the Legislative Department one of your duties has been practically all along to examine Bills from the point of view of the requirements of the previous statutory sanction ?

A.—Yes.

Q.—Now, you explained at the beginning of your memorandum that in the pre-reform days there were two kinds of control, just as there are now the administrative control over provincial legislation and the statutory control arising from the necessity of the previous sanction of the Governor General under section 79 ?

A.—Yes.

Q.—In the old days, I take it, the administrative control was the important part of it ?

A.—Undoubtedly that is so.

Q.—In fact, before statutory sanction was ever obtained or even applied for, there was as a rule, if a Bill was framed, long correspondence between the Local Government and the administrative department of the Government of India ?

A.—Yes.

Q.—And when all the details of the Bill were settled, then the Bill came to the Legislative Department for sanction ?

A.—Yes.

Q.—Not only statutory sanction but there were other sanctions required. For instance, in the old days, every penal provision in a provincial Bill required the sanction of the Government of India. That was not statutory sanction. It was the result of instructions from the Government of India ?

A.—Yes.

Q.—Now-a-days the more important matter is not statutory sanction and the less important matter is the administrative sanction of the Government of India ?

A.—Yes.

Q.—In fact, in every case now, we lay down that provincial Bills should come straight to the Legislative Department ?

A.—Yes.

Q.—The Bill is not sent to the administrative department to start with?

A.—No. In fact, I think it would be true to say now that there is no such thing as administrative sanction. The instructions require important Bills relating to reserved subjects to be submitted in time to enable the Government of India to communicate observations should they wish to do so. But if the Government of India have nothing to say, they don't convey administrative approval. They at most intimate that they have no remarks to make.

Q.—There is, of course, nothing to prevent a local Government from addressing the Government of India on the subject of the legislation that they propose to introduce, if they think that they would like to be fortified with the opinion of the Government of India or if they wish to get the approval of the Government of India ? Of course, it does happen that the local Government refrain from proposing legislation until they have consulted the administrative department of the Government of India ?

A.—Yes, in important cases.

Q.—For instance, the Punjab witnesses, Sir John Meynard and Lala Harkishan Lal, mentioned a Tramways Bill. Now, did the Legislative Department ever see a Tramways Bill from the Punjab ?

A.—No. The Legislative Department has had no Bill ; from which it may be inferred that a Bill has not yet been drafted, and that the Punjab Government's correspondence with the Railway Department was of a purely preliminary nature, referring to the substance of the legislation which they proposed to introduce. But I think it would be right to say that in ordinary cases now the first that the Government of India know of a proposal to legislate is when a Bill is received. I think it is only in very important cases, where the provincial Government thinks it probable that the Government of India may have something to say in the matter, that they come up with a preliminary reference.

Q.—Now, we may take it as a fact that it is your opinion that the instructions to local Governments now in force regarding provincial

legislation do not go beyond what is required to secure to the Governor-General the proper exercise of his power of previous sanction under section 80A (3) ?

A.—They go beyond that only to the extent to which they require the submission to the Government of India of a Bill relating to a reserved subject which in the opinion of the local Government is of substantial importance in sufficient time in advance of the date of introduction to enable the Government of India to communicate its views.

Q.—The point there is that the local Government is the arbiter as to whether a Bill is important or not ?

A.—Quite.

Q.—That is included in the instructions under the orders of the Secretary of State ?

A.—That is so.

Q.—That is practically the only restriction that he has imposed of rather to put it the other way it is the only restriction that the Secretary to State has allowed the Government of India to impose in provincial legislation ?

A.—That is so.

Q.—Outside the Government of India Act ?

A.—Yes.

Q.—May we take it from your memorandum that there have been certain changes of practice in this question of control of provincial legislation. Since the introduction of the reforms, and that in every case where there has been a change, the tendency has been towards relaxation ?

A.—That is so undoubtedly.

Q.—Now you say in one place that the sphere of operation under the existing law contained in section 80A (3) has proved in practice to be far wider than that of the pre-reform law on the subject and indeed to be wider than was either anticipated or intended. Could you tell us briefly why that has been the effect of the enactment of section 80A (3) in place of section 79 ?

A.—I think it is mainly due to the presence in section 80A (3) of clauses (*e*) and (*f*) which really had no counterpart in the old section 79 to the effect that any law regulating a central subject or provincial subject which is subject to legislation by the Indian Legislature requires previous sanction. Experience has shown that a Bill of any importance, whatever may be the primary subject which it regulates,—take the case of a Municipal Bill—experience shows that it will inevitably contain provisions which do in fact regulate for instance civil law and by virtue of the inclusion in the Bill of these provisions the Bill must be held to be a law which regulates civil law and therefore to require sanction.

Q.—Mr. Spence, take an ordinary Municipal Bill, provincial Municipal Bill or a City Municipal Bill. When that Bill comes up you find that half a dozen departments have to be consulted ?

A.—I think a big Municipal Bill never concerns less than six departments and generally as many as eight.

Q.—Because it covers such a wide ground ?

A.—Yes.

Q.—And roughly speaking in a big municipal Bill of say 400 clauses how many clauses would you find which require the previous sanction of the Governor General under the Government of India Act ?

A.—I should say, speaking very roughly it would run to about 80 or 90 clauses.

Q.—The majority of these can be disposed of by a stroke of the pen ?

A.—Yes.

Q.—It is mere technical sanction that is required ?

A.—Yes.

Q.—You referred just now to the clauses which affect the central subject of civil law. Could you give an illustration ?

A.—They are common. For instance a provision barring the jurisdiction of the civil courts in matters for which provision was made in the municipal bill in question.

Q.—Suppose there is a clause that no suit shall be in respect of anything done in good faith under the Bill. That requires sanction ?

A.—Yes.

Q.—There are other clauses containing a definition that certain officers shall be deemed to be a public servant within the meaning of the Penal Code, which alters the Penal Code to the extent of the definition ?

A.—Yes.

Q.—There are numerous other clauses of that kind ?

A.—A very common one is a provision altering the Evidence Act by authorising presumptions to be drawn, not provided for in the Evidence Act or by saying that certain things not covered by the Indian Evidence Act shall be conclusive proof of other things. If a municipal Bill for instance made provisions in the matter of control of food supply or something of the kind, it might provide that a person in possession of food to be adulterated shall be presumed to have known it to be adulterated and so on.

Q.—That would affect the Evidence Act ?

A.—Yes.

Q.—You said just now that the clauses which cause most trouble are clauses (*e*) and (*f*) ?

A.—Yes, and I should add (*h*).

Q.—(*f*) is interpreted with reference to the Devolution Rules ?

A.—Yes.

Q.—And if any substantial change were made in the Devolution Rules reducing to any considerable extent the number of subjects which are subject to legislation by the Indian Legislature, *pro tanto* there would be a relaxation of this statutory control ?

A.—Yes.

Q.—It would have a considerable effect on the number of clauses ?

A.—It would reduce the number of clauses requiring sanction in many individual Bills but I think it would probably not have any materia effect in reducing the number of Bill to which sanction is required : except of course in so far as concerned Bills regulating as a whole a subject which is not subject to legislation by the Indian Legislature. If you

knock out that subjection, then of course you eliminate all Bills regulating that subject ; that is such Bills will cease to require sanction as a whole.

Q.—Would you be prepared to say that section 80A (3) as framed at present leave only a very small percentage of provincial Bills which do not require sanction ?

A.—I do not think I would go so far as that. You can safely say a very small percentage of Bills of any kind of importance. The Government of India see a number of small Bills which do not require sanction.

Q.—Certain local Governments have complained of this control exercised through section 80A. Have they complained of the way in which the control has been exercised or of the fact that it is there ?

A.—I think the only reasoned statement in the nature of a complaint of the way in which control has been exercised is that contained in correspondence which has been supplied to the committee. The Bengal Government developed a case that the trouble arose not from the law in itself but from the interpretation placed upon the law by the Government of India and that on the interpretation which the Bengal Government advocated the trouble would go. To a lesser extent the Burma Government put forward a contention supporting one aspect of the Bengal Government's contention and the Central Provinces Government have supported another aspect. Apart from that there has never been any reasoned complaint of the way in which the Government of India have exercised control or of the way in which the Governor General has done so. But there have been complaints in individual cases. I can give one example, the Oudh Rent Bill. It came up at a very early stage of the reforms. The local Government sent up the Bill not much more than a week before they proposed to introduce it. They said in effect ' Please communicate sanction in time to enable us to introduce to-morrow week or whatever the exact date was.' The Government of India entered something in the nature of a protest against the very small period of time allowed for examination of the Bill and the local Government in apologising said that they had taken it that the effect of the introduction of the reformed constitution would be that legislation relating to provincial matters would be a matter for the provinces and not for the Government of India. Similar observations have been made in the case of other individual Bills but no reasoned argument.

(*Sir Tej Bahadur Sapru*).—*Q.*—Mr. Spence, do you recollect that the United Provinces Government sent a telegram to the Legislative Department while the Bill was under discussion. The Bill had not been passed and they asked the Government of India to give sanction to that Bill before it was passed by their own Legislative Council and the Government of India had to enter a protest against that ?

A.—I am not quite sure that I remember exactly what you are referring to but I do remember.....

(*Sir Tej Bahadur Sapru*).—*Q.*—I am talking of that very Bill to which you referred. It was I believe in November 1921 ?

A.—I have the papers here. I could look them up if you like.

Q.—The effect was that the Government of India was only allowed seven days to examine a Bill which was of considerable importance ?

A.—Yes. I now understand what you (Sir Tej Bahadur Sapru) are referring to. What did happen was this. The Secretary of State had interested himself in this matter and he had sent a telegram while the Bill was in progress saying that he trusted that the provisions of the Bill might be

greatly liberalised and he indicated very roughly the lines which liberalisation might take. This telegram was repeated to the local Government by the Government of India. The local Government wired back and said it was of the utmost importance that the Bill should be enacted and should be in force, that is, assented to by a certain date.

(*Mr. Chairman*).—This was a question of assent and not of sanction.

(*Sir Tej Bahadur Sapru*).—I had trouble at both stages, both before the Bill was introduced and during the passage of the Bill.

(*Mr. Chairman*).—The assent is purely a matter for the Governor General.

Q.—In one case then there was an attempt to hustle the Government of India by a provincial Government. That was an an isolated case ?

A.—By no means. I have brought some salient cases on that subject. I do not think I need go into details.

Q.—Give us one instance which you think is the worst ?

A.—The Oudh Rent Bill was a very bad instance from that point of view. I might mention the Calcutta University Bill. The Bengal Government's letter forwarding the Bill which required sanction as a whole was dated the 31st January 1923. That is to say it cannot possibly have reached Delhi before the 2nd February 1923. In forwarding it the Bengal Government said :—" I may bring to the notice of the Government of India that two private bills on the subject will be introduced on the 8th February next and the Government of Bengal feel that in such an important matter, their Bill, which has been prepared after mature deliberation, should be introduced about the same time." That is to say the Government of India were given a week for the examination of a Bill about which examination showed there was a good deal to be said. Ultimately the Government of India, having taken the Governor General's orders, were under the necessity of suggesting a very radical revision of the Bill, and I understand that the Government of Bengal eventually agreed that revision was necessary, and that it is in fact still in progress something like two years later.

Q.—The Legislative Department have been asked at very short notice to obtain the sanction of the Governor General ? Is that done except in cases where it is a physical impossibility ?

A.—I think it may be claimed that, where the Government of India were prepared to recommend sanction and the Governor General prepared to grant it, there have been very few cases in which the Government of India have failed to meet any but the most utterly unreasonable demands for communication of sanction by a specific date.

Q.—If there has been any question of unreasonableness in this delay is it in your opinion on the part of the Government of India or is it due to the fact that local Governments are inclined to expect too much ?

A.—I think in the matter of delay the local Governments have had on the whole very little ground for reasonable complaint.

(*Sir Tej Bahadur Sapru*).—*Q.*—Do you recollect a case in which a local Government wrote a letter and sent a telegram to the Legislative Department asking why a Bill had not been disposed of by the Legislative Department, whereas in point of fact the Bill had not come to the Legislative Department and it did not come till three weeks after ?

A.—I rather think I must have been in England at that time.

(*Sir Tej Bahadur Sapru*).—*Q.*—That letter came to me from a distinguished officer of the United Provinces and I had to ask that Government to apologise. And that was not the only instance ; I recollect three more.

(*Mr. Jinnah*).—*Q.*—In fact there is no instance in which the Government of India have been wrong ?

A.—I would not to say that.

(*Sir Tej Bahadur Sapru*).—*Q.*—Do you recollect a case of a Bill being sent to me, 54 clauses of it, and was not the rest of the Bill sent in instalments ?

A.—Yes I remember that Bill well.

(*Mr. Chairman*).—*Q.*—Is it not rather difficult to examine a Bill when you have only 54 clauses and the rest of it is not sent ?

A.—It would be very difficult to do it in an adequate manner.

Q.—This is what happens when a provincial bill is received. It is always addressed to the Legislative Department. The Legislative Department examines it as quickly as possible and enumerates the clauses which require previous sanction, and says that these clauses require previous sanction ; clauses (*a*), (*b*), (*c*) and (*d*) concern the Home Department ; clauses (*e*) and (*f*) concern the Finance Department and something else concerns the Education, Health and Lands Department, and the Bill has to go to each of these Departments and they say whether they have any objection to previous sanction of the Governor General being given. If you are asked to deal with a Bill urgently, you circulate it simultaneously ?

A.—That is a very small point in which the local Governments sometimes cut their own throats. Having given the Government of India a quite inadequate amount of time, they will increase the difficulties of the Government of India by sending one copy of the Bill only, with the result that, instead of circulating simultaneously, the Bill has to wander round all departments until we have telegraphed to the local Government and got the requisite copies, by which time the date on which they wished to introduce the Bill may have already passed.

Q.—Will you look at the end of paragraph 2 of your memorandum ? Could you give us some instances of the exercise of control of the nature referred to there ?

A.—I can give two important instances. Last Spring the Madras Government sent up a Bill revising the law relating to land revenue settlement in the Madras Presidency. There were two or three isolated provisions in the Bill to which statutory sanction was required. There was no trouble about that. But the department administratively concerned with land revenue, which as the Committee is aware, is reserved, took exception to a provision in the Bill under which it would have been possible for the local Government to sanction a revenue assessment for an unlimited period. The Department concerned took the view that it was obligatory on the Government of India in the interests of land revenue for the whole of India not merely in any single province, to interfere, or at least to have an opportunity of interfering with any attempt to establish anything in the nature of a permanent settlement in a province where that system does not exist. They therefore required the Madras Government by a definite executive order to add to the clause in question a proviso to the effect that the fixation of any period of settlement in excess of 35 years would require the previous sanction of the Governor General in Council.

The other important case also related to land revenue and it is now pending. It was not quite the same point, but very much the same. I do not know if the Committee would like to hear it ?

(*Mr. Chairman*).—No, not if it is pending.

A.—Apart from that, I do not know of any cases in which a definite executive order has been given for the modification of the local Government's proposals in any vital manner.

(*Mr. Jinnah*).—*Q.*—Has any step been taken by the Government of India to point out to the various local Governments how they make your position difficult, and that if they followed certain definite procedure it would be far better for everybody concerned ?

A.—Yes the Department has more than once endeavoured to offer that assistance. At a comparatively early stage in the history of the Reformed constitution, the Department drew up an exhaustive letter endeavouring to give every possible assistance to local Governments, both in the examination of their Bills from the point of view of sanction, and also by giving them some practical hints as to how they were likely to get things through quickly, *e.g.*, that the Government of India should be kept informed of the exact dates of their sessions and how long their sessions were going to last.

Q.—Did instructions require a certain number of copies of Bills to be sent up ?

A.—Yes, but that is largely disregarded.

(*Mr. Jinnah*).—*Q.*—In spite of that, things have continued in the same way as before ?

A.—I think there has been some improvement. Before that letter was written, I think, if I may say so, the main trouble was that comparatively few of the officers in the provinces engaged in examining Bills from the point of view of sanction, really had a real understanding of the law of sanction. It was early days. I think there is now much greater appreciation of the nature of the law of sanction than there then was, and a corresponding improvement in the way in which Bills are examined. In those days there were several cases in which the first we heard of a Bill plainly requiring sanction was the receipt of a copy after introduction, the local Government having failed to recognise that there was any question of sanction. Now that is much rarer.

Q.—There is even now somewhat of a tendency to leave the question of examination of a Bill in regard to the statutory sanction to the Government of India ?

A.—Yes. I won't say the majority, but perhaps half the local Governments now very commonly adopt the practice of saying : " I am directed to forward the accompanying Bill for the necessary sanction," with no discussion of why the Bill requires sanction, or whether it requires sanction as a whole, or in what particular respects.

Q.—You say in paragraph 4 that the Government of India seldom or never finds it necessary to recommend refusal of sanction to a Bill as a whole. Can you give any instances ?

A.—I cannot recall any instance of flat refusal of sanction to a local Government's Bill as a whole, but there have been instances where the effect was not perhaps very dissimilar. For instance in 1921 the Bombay Government sent up a Transport of Cotton Restrictions Bill. Incidentally that was a bad case of rushing.

Q.—I take it the two objections to that Bill were first of all that it was quite obvious that the Bill as sent up by the local Government, and which would have been passed by the local Legislature with its restricted legislative power, would have been quite ineffective ?

A.—That was the view taken by the Government of India. The object of the Bill was to prevent inferior types of cotton arriving in certain places in the Bombay Presidency to the prejudice of good cotton.

Q.—The real point is this, the powers of the local Government did not extend beyond the boundaries of their own Presidency, and if legislation were required in that respect it should be legislation in the Indian Legislature ?

A.—Yes.

(*Mr. Chairman*).—Not only should be, but must be.

A.—Yes, if it was to be effective.

Q.—And legislation in that respect was enacted ?

A.—This point was put to the local Government who were told that in view of the probability that central legislation would be undertaken the Governor General was not disposed to give sanction. The Bombay Government contested this and they were informed that the Governor General adhered to his decision, so there was a refusal of sanction in effect.

(*Dr. Paranjpye*).—*Q.*—And more recently in the Trades Disputes Bill ?

A.—That was the Bill to which I have referred in my memorandum. There was no refusal of sanction in that case. The Government of India informed the local Government that in their opinion legislation in this matter should be undertaken in the Indian Legislature, and furthermore that a Bill for introduction in the Indian Legislature was pretty nearly ready. In these circumstances the Governor General was not disposed to grant sanction. That left it open to the local Government to press for sanction, but they accepted the view taken here and in effect withdrew their application for sanction to their own Bill.

(*Dr. Paranjpye*).—*Q.*—Do you know that refusal of sanction has caused difficulties to the local Government in the case of another Bill before the Legislative Council, the Statistics Bill of the Bombay Government ? The Bombay Government was allowed to introduce the Statistics Bill and the objection to that on the part of non-official members is that the two Bills should be taken simultaneously or not at all, as one would be incomplete without the other.

A.—The Statistics and the Trade Disputes Bills ? That was not a point which had occurred to anybody up here.

Q.—It has been suggested several times that the sanction required is the sanction of the Governor General in Council and not of the Governor General. It has been suggested that it is the same thing. Is there any foundation for that ?

A.—None whatever. Statutory sanction can only be granted by the Governor General and is only granted by him. His personal orders are taken on every case. I do not know whether it would be proper for me to give details of action taken by His Excellency, but it may be said in general terms that because the Government of India recommends something, it does not necessarily follow that he does it.

(*Dr. Paranjpye*).—*Q.*—He has not got a special agency for considering the question of sanction ?

A.—No.

Q.—It goes through the Legislative Department ?

A.—The Legislative Department takes His Excellency's orders.

Q.—In every case ?

A.—In every case.

Q.—At the bottom of page 3 you mention there was a time when conditional sanction was given if the local Government agreed to alter a certain clause in a certain way ?

A.—Yes.

Q.—I take it an instance would be a clause in a provincial Bill to provide for the levy of a tax which might impinge on central legislation ; sanction in that case would be granted on the understanding that the clause was so amended that the tax should not be levied without the previous sanction of the Government of India ?

A.—There was one actual case of that kind—the Central Provinces Municipal Bill. That included provision for the collection of a pilgrim tax through the agency of the railways and in the interests of railways which constitute a central subject sanction was granted only on the condition that a proviso was added that the tax would not be imposed without the sanction of the Governor General in Council.

Q.—I am glad you have mentioned that case. It has been suggested to us that there has been a very great deal of interference on the part of the Government of India with regard to the Central Provinces Municipalities Bill. Now you say that in regard to one clause of the section that condition was made—that the previous sanction of the Governor General in Council would be necessary for this particular provision. Was sanction refused to any other clause ?

A.—It was given without question, saving in that one respect.

Q.—And in the letter conveying that sanction did the Government of India make any suggestions ?

A.—Yes, purely suggestions.

Q.—How many ?

A.—There were three suggestions.

Q.—With regard to a Bill of how many clauses roughly ?

A.—249.

Q.—Did the local Government give effect to those suggestions ?

A.—They gave effect to two of those suggestions before they introduced the Bill. The third they reserved for consideration by the Select Committee, who gave effect to it.

Q.—In this case it would be quite inaccurate to say that the progress of the Bill was in any way hampered by the Government of India ?

A.—Yes. I may remark incidentally that in this case the local Government sent up its Bill, and after the Bill had reached the Government of India, a letter was issued—to which Dr. Sapru has referred—in the nature of instructions for the examination of Bills for sanction. The local officer concerned, then realised that his examination of the Bill had been inadequate. He addressed us and said he was afraid that the Bill had not been properly examined from the point of view of sanction but he

hoped the matter would not be held up as the local Government was very anxious to introduce the Bill on a specified date. The Government of India succeeded in getting orders through in time to enable this to be done.

(*Mr. Chairman*).—*Q.*—Orders were issued in time ?

A.—Yes, Sir.

Q.—You said a little while ago that Bengal protested against the Government of India's interpretation of section 80A (3) with regard to sanction ?

A.—Yes.

Q.—Everybody has accepted it now ?

A.—Bengal may retain their own opinion but they appear to have dropped it outwardly judging by the nature of recent communication from them.

Q.—Has any local Government said that so far from finding the control of the Government of India over provincial legislation a nuisance they actually welcome it ?

A.—The Assam Government have said so in terms. No other Government, I think, have officially said as much.

Q.—Do you know of any officer who did this class of business in the local Government ?

A.—I have some reason to believe that both the present and the late Legal Remembrancer to the Punjab Government have expressed personal gratitude to the Government of India for assistance received.

Q.—Is it a fact that the Legislative Department find the requirements of section 80A (3) to be rather a nuisance to them ?

A.—Undoubtedly.

Q.—It involves a very close examination of Bills ?

A.—Yes.

Q.—And it would be a great advantage to the Government of India if the restriction imposed by section 80A (3) could be relaxed ?

A.—It would be a great comfort to everybody concerned.

Q.—As you point out, it is intended to have a proviso in section 80A (3) which would enable rules to be made excluding certain classes of cases from the requirement of previous sanction.

(*Mr. Chairman*).—*Q.*—From the purely drafting point of view is there any objection to giving a formal sanction to local Governments in respect of those general clauses which form part of every Bill ?

A.—The aim was to formulate some rule which would have this effect.

Q.—I do not want to take you through the list of Bills that have been mentioned by particular witnesses. You have read the evidence given by *ex*-Ministers and non-officials with regard to certain Bills and you have told us about the Central Provinces Municipalities Bill for one. Have you looked up the United Provinces Bills referred to by Mr. Chintamani and Pandit Hridaya Nath Kunzru. Will you please tell us very briefly the position with regard to them ?

A.—There was the Allahabad University Bill. I am afraid it will be rather tedious to tell the Committee exactly what happened. In order to understand the matter, it will want a slightly tedious explanation.

Q.—If it is tedious perhaps you would prepare a brief memorandum in regard to those Bills ?

(*Mr. Chairman*).—I think that would be better.

Q.—Let me draw your attention to one statement of Pandit Kunzru. I think he made some general statements.

A.—At page 397 of the minutes.....

Q.—What was in my mind was his reference to non-official Bills from the United Provinces. Have we had any of these non-official Bills ?

A.—Yes, there has been a certain number—a total of perhaps 8 or 9 non-official Bills which have been introduced in the United Provinces Council during the reform period. The witness in question stated, I think, in general terms that non-official legislation in the United Provinces has been consistently obstructed by the Government of India. He was pressed to give definite instances. He quoted two Bills. One was a Bill to amend the United Provinces Municipalities Act. A copy of this Bill was sent to the Government of India after it had been introduced. The Government of India took no action of any kind. They neither addressed the local Government nor the Member who introduced the Bill. It was never suggested that statutory sanction should have been obtained. The second case he mentioned was the Agra Tenancy Amendment Bill. In that case a copy of the Bill was forwarded to the Government of India before introduction. There was no suggestion that it required statutory sanction. Executive control of course could not be exercised over a non-official member of the Council. The only action taken by the Government of India in the matter was to ask the local Government what attitude they proposed to adopt to the Bill. The local Government reported the action they proposed to adopt and the Government of India offered no comment thereon and took no other action of any kind in the matter.

As regards his general allegation I think it might be relevant to mention that in one case the United Provinces Government sent up a private member's Bill and applied for sanction thereto. The Government of India informed them at once that no sanction was required and they had nothing to say on the subject. Other Bills have been similarly dealt with. In some cases there has been no question of sanction, and the Government of India have done nothing at all. In case in which sanction has been required it has been given without difficulty and without undue delay. In one case only, the case of a Bill which would, I think, be admitted to have been an extraordinarily crude production, statutory sanction was refused.

(*Mr. Jinnah*).—*Q.*—What is the longest time it takes to deal with the question of sanction being given or not,-and finally to give the sanction or not ?

A.—The biggest Bill you can have ?

(*Mr. Jinnah*).—*Q.*—Yes.

A.—I have one very good instance here. The Calcutta Municipal Bill.

(*Mr. Jinnah*).—*Q.*—I only want to get just a rough idea of the time it takes. I don't mean an exceptional kind of Bill like that ?

A.—An ordinary Bill of just a few clauses and no particular points of difficulty—in a case of that kind generally they get their orders in a fortnight or so. It might be a little longer if it came in the middle of the session. But roughly 3 or 4 weeks ; a short Bill never ought to take more if it is a Bill of ordinary character.

Q.—You see the comments of the administrative department on provincial Bills, Mr. Spence, because file always comes back to you ?

A.—Yes.

Q.—And would you personally deprecate communicating to local Governments any suggestion of an administrative department which went beyond its power of superintendence, direction and control ?

A.—Yes.

Q.—And in fact you would deprecate very often the communication to the local Government of a comment by the administrative department even where it was strictly within its power ?

A.—Yes.

Q.—Your view of the matter is that the Government of India should avoid as much as possible interference with a local Bill ?

A.—Yes.

Q.—Have you noticed a very great tendency on the part of administrative departments as a whole to exercise their power in a somewhat meticulous manner ?

A.—I think, if I may say so, that in the initial reform period most secretariat officers and perhaps even some members of the Government of India were to some extent under the influence of impressions left by the old constitution ; it undoubtedly was the case that in the earlier period suggestions of detail were made which, if I might say so, were out of place ; but I think now there has been a very marked decrease in anything of that sort, and I would like to suggest that nobody has any temptation to make suggestions which are not really vital, because after all every suggestion increases the labour of the person who makes it.

Q.—The correspondence is all with the Legislative Department ?

A.—Yes.

Q.—And therefore we draft the letter ?

A.—Yes.

Q.—Do you recollect any cases in which the Legislative Department has taken upon itself to suggest to His Excellency that comments of the administrative departments should not be communicated ?

A.—Yes ; but I should like to distinguish three possible classes of cases ; there are some cases in which the administrative department has made some suggestion which we think is plainly not a suggestion which could properly be communicated to the local Government ; the Legislative Department after all should possess greater knowledge than administrative department of the general nature of the suggestions which can properly be made and they sometimes take upon themselves to ignore these remarks and do nothing. In other less obvious cases it will suggest to the department making the sugestion that this was really not a matter in which a suggestion would be appropriate and the administrative department will probably accept this. Generally speaking, it is only in a case where a Member of the Government has personally expressed a desire to make a suggestion to the local Government, and the Legislative Department considers that it is not the type of suggestion which would ordinarily be proper, that it will invite His Excellency's attention to the matter and take his orders as to whether it is necessary to say anything on the point to the local Government or not.

Q.—In fact in so far as there is any obstruction in the Legislative Department of the Government of India it is not obstruction against the local Government but against the administrative departments of the Government of India ?

A.—I do not know if I should call it obstruction ; I think it might fairly be maintained that the Legislative Department to some extent stands between the local Government and unnecessary suggestions.

Q.—I do not want to weary the Committee with details of all those Bills which have been mentioned by other witnesses. If you could look at them and put up a brief memorandum of the facts in those cases in which there have been particular allegations of obstruction by the Government of India, it might help.

A.—Yes.

Mr. Jinnah.—*Q.*—I want to ask you only one question : Supposing there is a conflict as to whether a particular Bill infringes on central subjects between the Government of India and the local Government. who decides the point ?

A.—The decision is vested under rule 19 of the various provincial legislative council rules in the authority which grants the sanction, that is to say, in the Governor General personally ; in any case of conflict the Governor General's personal orders will be taken to decide whether sanction is or is not required.

Q.—What procedure does he follow in determining it ?

A.—It really very seldom arises in any practical form ; but should it arise the procedure would be that the Legislative Department would write a note for His Excellency stating the view taken by the local Government and the view taken by themselves and His Excellency would then decide the question.

Sir Tej Bahadur Sapru.—*Q.*—Mr. Spence, at what stage in the progress of a Bill through the Legislative Department, does the administrative department come in ?

A.—The Bill comes in the first instance to the Legislative Department ; that department examines the Bill, states whether the Bill requires sanction as a whole ; and if not states the clauses in respect of which it requires sanction and it is then sent to all the departments concerned for their observations.

Q.—That is to say, before the Bill is put before His Excellency the Governor General, the administrative department is consulted ?

A.—Yes ; in any question of grant of sanction the Legislative Department states the requirements of sanction ; the administrative departments concerned recommend whether it should be given or not ; the Legislative Department takes His Excellency's orders.

Q.—Then when the Bill comes up to you for assent, do you again consult the administrative department ?

A.—Yes.

Q.—When the administrative department has given its advice or expression of opinion it comes back to you ?

A.—Yes.

Q.—And then the Legislative Department sends the Bill to His Excellency for his assent ?

A.—Yes.

Q.—So that both at the beginning and at the end of a Bill His Excellency has the advice of the Legislative Department before him ?

A.—Yes.

Q.—And that is how either the sanction or assent is given by the Governor General ?

A.—Yes. Of course in the case of assent I should perhaps mention that in the great majority of cases the note put up to His Excellency is a purely formal note saying that this Bill has been passed by the local council, has received the assent of the Governor of the province, and is submitted for His Excellency's assent.

Q.—You will perhaps also explain to the Committee what happens after that. Your Bills are also reported to the Secretary of State. What classes of Bills are reported to the Secretary of State and at what stage ?

A.—In the case of provincial Bills no Bill is now reported to the Secretary of State ; he is sent a copy ; it is purely a routine matter ; I am not sure myself at what stage a copy is sent to him, but there is no report to him—a copy only is sent to him. After assent, the Governor-General sends a personal letter transmitting the Bill to which he has assented.

(*Sir Henry Moncrieff Smith*).—*Q.*—That is required by the Government of India Act ?

A.—Yes.

Q.—You were talking about your difficulties with regard to provincial governments in relation to Bills. Has it not been your difficulty very often that in provincial legislatures there is very often an attempt made to confer jurisdiction upon the High Courts ?

A.—There are several cases of that sort.

Q.—Which, according to the view of the Legislative Department and according to the true interpretation of the law the local legislatures have got no power to confer ?

A.—Yes ; but if I may say so with reference to the last question the line which has been most generally adopted in recent cases in communicating orders on a Bill containing provisions of that nature is that the Government of India will draw the attention of the local Government to the doctrine expounded in Hari *vs.* the Secretary of State or whatever particular case is most in point, and leave it to the local Government to decide whether to enact these provisions or not ; the Goverrnment of India does not forbid the local Government to enact them ; it draws the attention of the local Government to the doubt as to whether the High Court would accept jurisdiction purporting to be conferred upon it by the local legislature and it really leaves it at that ; it suggests sometimes that in view of the doubt as to the competency of the local legislature to enact the provision there should be subsequent validating legislation undertaken in the central legislature.

Q.—There has been such legislation in the past in the provinces ?

A.—Yes.

Q.—The only other question that I wish to ask you is whether you know if thehe is anything like sanction in the dominions, for instance in Canada or South Africa or Australia. In those places the spheres of the Federal Parliament and the provincial parliaments are very clearly

defined. There is a certain kind of legislation which can only come before the Federal Parliament. Do you know of any provision corresponding to that here ? I am not suggesting any answer ; I want information.

A.—I have only a vague idea, and would rather not say anything.

Dr. Paranjpye.—*Q.*—You have made certain rules for guidance as regards sanction ?

A.—There are executive instructions of course.

Q.—Can we have a copy of those instructions ?

A.—They have been supplied.

Q.—Taking rule 7, any amendments proposed to a Bill in Select Committee or otherwise, to which the provisions of rule 2 or rule 3 would apply, must be submitted to the Government of India under these rules ?

A.—I think you are not reading the actual rule.

Q.—This is Mr. Tonkinson's summary. Does that mean that the Bill should be held up before this further sanction is received—that further proceedings in the local legislature should be held up ?

A.—The effect of rule 7 read with rule 2 is merely to tell the local Governments the procedure to be adopted in obtaining sanction to an amendment. These instructions do not purport to state when sanction is necessary to an amendment. They only purport to tell local Governments what to do in obtaining sanction when sanction is necessary by reason of the provisions of the Government of India Act read with the relevant rules.

Q.—We had some evidence about the Nagpur University Bill.

A.—I can tell you the facts about that.

Q.—Would you mind stating the facts about it ?

A.—The Nagpur University Bill, in as much as it established a new University, as a whole required sanction, as regulating a subject to legislation by the central legislature. The Bill obtained that sanction.

A.—Subsequently the Select Committee amended the Bill and the Bill as amended by the Select Committee again obtained sanction. Then a large number of members gave notice of amendments. The Central Provinces Government forwarded their amendment with a letter saying that they were forwarding them for the information of the Government of India and they discussed the attitude they proposed to adopt towards the amendments and so on. The Government of India then drew the attention of the local Government to the fact that inasmuch as this Bill as a whole required sanction any amendment of substance also required sanction, and that if the local Government desired any of these amendments to be moved, they should apply for the necessary sanction to those amendments, and that non-official members should be advised to apply for the necessary sanction to other amendments ; that if a member failed to apply for sanction and got up to move his amendment then the Government spokesman should take the point that sanction was required for the moving of the amendment and that it could not be moved without sanction.

(*Mr. Jinnah*).—*Q.*—But supposing the amendment was germane to the Bill which was sanctioned—then what ?

A.—Well, on the view taken by the Government of India that would in no way affect the necessity for sanction. The mere fact that an amendment is within the legitimate scope of the Bill does not in the opinion of

the Government of India dispense with the requirement for sanction. The whole matter has been discussed in a despatch, copies of which have been supplied to members of the Committee.

Q.—Do you remember Sir Narayan Chandavarkar's ruling in the Bombay Legislative Council that, after the Bill is introduced and has received government sanction and the Council has been possessed of the whole subject, it is competent to move any amendments it likes ? Of course, so that up to the end of the second reading of the Bill the Council can proceed as it likes. But then the thing that is in the hands of the Government is not to move the third reading of the Bill. Well, what do you think of that ruling of Sir Narayan Chandavarkar ?

A.—In my opinion it is incorrect. The matter is discussed at great length in the correspondence supplied to you.

(*Mr. Jinnah*).—*Q.*—Has the recent ruling given by the present President of the Bombay Council in regard to amendments been brought to your notice ?

A.—I have not seen that.

Q.—Now, about rule 10. I have not got the exact words, but that rule refers to Bills to be introduced by a private Member ?

A.—Yes.

Q.—That a Bill requires the sanction of the Government of India and a private Member is supposed to get that sanction from the Government of India ?

A.—The Government of India are incompetent to require any sanction by themselves to the introduction of a private Bill. If a private Bill requires statutory sanction, then the member has got to get that sanction. There is a provision in the Legislative Council rules which says that a Bill requiring sanction shall not be introduced unless the Member has annexed to that Bill the order granting sanction.

Q.—But if the private Member writes through the local Government ?

A.—A private Member can take any action he likes, but under our procedure, if a private Member writes up here, then before submitting for His Excellency's orders or taking any further action, the Legislative Department of the Government of India sends the Bill to the local Government and asks for an expression of its views as to whether sanction should be accorded or not.

Q.—Have you heard of any cases in which the local Government has made use of the Central Government to get it out of a difficult position ?

A.—I am afraid I don't understand the reference.

Q.—I mean this. The local Government is itself opposed to a Bill. But it feels that public opinion is very strongly in favour of it. It therefore wants to get the Government of India to refuse sanction to the Bill ?

A.—I have not heard of any such manœuvre as that.

Q.—Is it possible under the procedure ?

A.—Assuming a sufficiently low standard of morality in the local Government, I suppose it is possible.

Q.—Well, I want you to give me exactly the details of a private Bill proposed to be introduced by Rao Bahadur Kale about the recent Charitable Endowments Bill ?

(*Mr. Chairman*).—*Q.*—Is that the Bombay one ?

(*Dr. Paranjpye*).—Yes, it was sent by a private Member.

A.—What happened in this case very briefly was this. Rao Bahadur Kale sent his Bill direct up here and applied for sanction. Following the usual procedure which I have explained, the Bill was sent to the local Government with the request that it would state its views as to whether sanction should or should not be granted. There was a most inordinate delay. The Government of India sent one or two remimders but....

Q.—I can explain that delay possibly myself ?

A.—But as Rao Bahadur Kale, who, after all, was the only person interested did not remind the Government of India or take any steps to expedite the matter, the Government were not very greatly worried by the fact that the Government of Bombay had held up the Bill. After a colossally long time, the Bombay Government sent its recommendations. Then the Departments up here was consulted. There was no particular delay up here. The conclusion was that the Government of India were prepared to recommend to His Excellency the grant of sanction. In the meantime, the then Bombay Legislative Council had been dissolved and it was decided that no purpose would be served by taking the Governor General's orders unless and until Mr. Kale was elected to the ensuing Council. So there the matter rested. The only point I should like to make is that first, the whole delay was with the Bombay Government, and secondly, that Mr. Kale never wrote up here to stir us up, from which the natural inference is that Mr. Kale was not greatly concerned as to whether his Bill was sanctioned or not.

Q.—Do you know that that Bill was drafted by Rao Bahadur Kale in answer to the challenge of the Bombay Government to a Resolution that he moved himself in the Legislative Council ?

A.—Yes, the Bombay Government mentioned that in their letter.

Q.—I know. And you see that letter is a kind of compromise between the two opposite views ?

A.—Yes. However, I am not sure what you want to draw from me by this question.

Q.—I want to ask you whether there was not an attempt on the part of the Government there to get the Government of India to veto the Bill if possible although it itself did not try to veto it. I have put it quite frankly ?

(*Mr. Chairman*).—*Q.*—Were you a Member of the Government ?

(*Dr. Paranjpye*).—Yes.

(*Mr. Chairman*).—*Q.*—Did you make that attempt ?

(*Dr. Paranjpye*).—No, I didn't.

A.—All that I can possibly say is that the Government of Bombay kept this matter pending for an inordinately long time and that, when they did send their recommendation it was far from precisely expressed ; and it is difficult to say from the wording of their letter whether they wanted sanction granted or not. But apart from that I cannot say anything about their motive.

Q.—In the case of transferred departments, does the Governor write independently and not as the Government ?

A.—No.

Q.—He is not supposed to write his own views ?

A.—No. In some provinces all letters forwarding Bills come from the local Legislative Department and in other provinces they come from the Department of the Government concerned. In the case of transferred

departments, the letter would be from the Government of say Bengal, Ministry of say Education.

Q.—I shall explain this letter about the Bill privately ?

Sir Sivaswamy Aiyer.—*Q.*—In rule 2 of the instructions to local Governments, it is stated that local Government in their application for sanction have to state the provisions which require sanction. So they do not usually comply with this ?

A.—It is very widely ignored.

Q.—They have to thank themselves then for the delay ?

A.—To some extent.

Q.—With regard to amendments, the rule says that any amendments made by the Select Committee or otherwise must also be referred to the Government of India for sanction ?

A.—What the rule does is to state the procedure which shall be adopted in obtaining any sanction which the law may require.

Q.—If the Bill would have required sanction if that provision had been originally made, the amendment also would require sanction ?

A.—Well, the instructions do not purport to say that.

Q.—Does it not lead to much inconvenience in practice. It has the effect of holding up the Bill ?

A.—I think it certainly leads to considerable inconvenience. But it has been exaggerated.

Q.—Could you suggest any solution of that difficulty ?

A.—Well, I am afraid I can't. Short of a rather radical amendment of the law of sanction, I can suggest no remedy which would completely meet that case. I think of course, you could palliate it. In the case of amendments in Select Committee, I don't think the inconvenience tends to be very serious because after all there is generally some slight interval between the issue of the Select Committee's Report and its being taken into consideration, but there is undoubtedly inconvenience in the case of other amendments.

Q.—You refer to it in paragraph 6 of your memorandum, but I don't think you have suggested any solution ?

A.—No, it would not be for me to suggest any.

The witness then withdrew.

L538HD—200—26-1-25—GIPS

00108580

Digitized with financial assistance from

Government of Maharashtra

on 01 February, 2020